



## **SURF CITY TOWN COUNCIL REGULAR MEETING**

**Tuesday, August 6, 2019**

**Surf City Town Hall – 201 Community Center Drive**

- I. CALL TO ORDER – Douglas C. Medlin, Mayor
- II. INVOCATION – William J. (Buddy) Fowler, Mayor Pro-Tem
- III. PLEDGE OF ALLEGIANCE - Donald R. Helms, Councilman
- IV. BEAUTIFICATION & APPEARANCE COMMITTEE AWARDS-  
Home of the Month: Jeffrey & Susan Ashton at 1610 S. Shore Drive  
Business of the Month: Island Family Medicine at 2540 E. Hwy 210

V. MAYOR'S REMARKS –

*We ask that all in attendance please set your cell phones to silent or vibrate mode. The Council offers the public an opportunities to speak during the meeting. Comments should be limited to three minutes each and must be directly issue-oriented with agenda items for this meeting, or an issue upon which the Council has control.*

*Citizen speakers will be acknowledged in the order in which they sign up to speak and will address all comments to the Board as a whole and not one individual Council member. Speakers will address the Council from the speaker's podium at the front of the room and will begin their remarks by stating their name and address. Discussions between Speakers and members of the audience will not be allowed. Public comment is not intended to require the Council to answer any impromptu questions. Speakers are expected to be civil in their language and presentation. Any comments where the primary purpose is to promote business or candidacy shall not be allowed.*

*In accordance with the Council's adopted Rules of Procedures, Councilmembers shall reserve responses, if any, for the Council Forum on the agenda.*

VI. ADOPTION OF THE AGENDA

**Mayor:** With no other items being considered separately, a motion to adopt the Meeting Agenda is in order.

VII. APPROVAL OF THE CONSENT AGENDA –

- 1. Approval of the Meeting Minutes- June 4<sup>th</sup>, June 21<sup>st</sup>, July 1<sup>st</sup>, July 19<sup>th</sup>, 2019
- 2. Beautification & Appearance Committee Appointments
- 3. Resolution No. 2019-18- Approval of Rules of Procedure

4. Ordinance Amendment No. 2019-06- Section 17-114 Parking In Designated Parking Areas

*\*Items under Consent are generally of a routine nature. The Board may take action to approve/disapprove all items in a single vote. Any item may be withheld from a general action, to be discussed and voted upon separately at the discretion of the Council.*

**Specific Action Requested:** It is requested that the Town Council approve the consent agenda as presented.

VIII. PUBLIC HEARING –

5. Zoning Text Amendment- Ordinance Amendment No. 2019-05 Sec. 6.0 Regulations of Signs

*Open Public Hearing*

*Public Comment Period*

*Close Public Hearing*

**Specific Action Requested:** It is requested that the Town Council approve the text amendments as presented

IX. PUBLIC COMMENT – Citizens have an opportunity to address the Council for no more than three minutes per speaker on topics which concern agenda items of this meeting

X. MANAGER'S REPORT–

XI. NEW BUSINESS-

6. Text Amendment – Ordinance Amendment No. 2019-07 Sec. 3-6 Keeping certain animals prohibited, Chapter 5 article III Building and building regulations, & Chapter 16 Streets & sidewalks

**Specific Action Requested:** It is requested that the Town Council approve the text amendments as presented.

7. Resolution on Directing the Clerk to investigate a petition for contiguous voluntary annexation and set a public hearing: 1.406 +/- acres on Tortuga Drive Pender County Pin# 4235-25-7470-0000

**Specific Action Requested:** It is requested that the Town Council adopt the resolution directing the clerk to investigate the petition for contiguous annexation, adopt the resolution setting the public hearing for September 3rd at 6:30pm.; and send the property to the Planning Board for zoning recommendation.

XII. COUNCIL FORUM-

XIII. TOWN ATTORNEY REPORTS-

XIV. ADJOURNMENT-



## **SURF CITY TOWN COUNCIL REGULAR MEETING MINUTES**

**Tuesday, June 4, 2019**

**Surf City Town Hall – 201 Community Center Drive**

### **Council Members Present:**

Mayor Douglas C. Medlin  
Mayor Pro-Tem William J. Fowler  
Donald Helms  
Nelva Albury  
Teresa Batts  
Jeremy Shugarts

- I. CALL TO ORDER – Douglas C. Medlin, Mayor
- II. INVOCATION – William J. (Buddy) Fowler, Mayor Pro-Tem
- III. PLEDGE OF ALLEGIANCE - Donald R. Helms, Councilman

### **IV. MAYOR'S REMARKS –**

*We ask that all in attendance please set your cell phones to silent or vibrate mode. The Council offers the public an opportunities to speak during the meeting. Comments should be limited to three minutes each and must be directly issue-oriented with agenda items for this meeting, or an issue upon which the Council has control.*

*Citizen speakers will be acknowledged in the order in which they sign up to speak and will address all comments to the Board as a whole and not one individual Council member. Speakers will address the Council from the speaker's podium at the front of the room and will begin their remarks by stating their name and address. Discussions between Speakers and members of the audience will not be allowed. Public comment is not intended to require the Council to answer any impromptu questions. Speakers are expected to be civil in their language and presentation. Any comments where the primary purpose is to promote business or candidacy shall not be allowed.*

*In accordance with the Council's adopted Rules of Procedures, Councilmembers shall reserve responses, if any, for the Council Forum on the agenda.*

### **V. ADOPTION OF THE AGENDA**

Mr. Helms made a motion to adopt the agenda as presented. Mr. Fowler seconded the motion and it was carried.

### **VI. APPROVAL OF THE CONSENT AGENDA –**

- 1. Approval of the Meeting Minutes- May 3<sup>rd</sup>, May 7<sup>th</sup> & May 17<sup>th</sup>, 2019

2. Advisory Board Re-Appointments
3. Emergency Operations: Hazard Specific/Hurricane
4. Ordinance Amendment Section 4-10. Dunes
5. Parks & Recreation Master Plan
6. Budget Ordinance Amendment – Insurance Proceeds Fire Dept.

***\*Items under Consent are generally of a routine nature. The Board may take action to approve/disapprove all items in a single vote. Any item may be withheld from a general action, to be discussed and voted upon separately at the discretion of the Council.***

Mr. Helms made a motion to adopt the consent agenda as presented. Mr. Fowler seconded the motion and it was carried.

VII. PUBLIC HEARING –  
7. FY2019-2020 Budget

Public Hearing Open 6:39pm

Mrs. Loftis gave an overview of the proposed budget and stated there were no increases to fees, rates, or taxes.

Phil Durr 1714 N. New River Drive thanked the council for putting money into the capital budget.

Close Public Hearing 6:42 pm

Mrs. Albury made a motion to approve the budget as presented. Mr. Helms seconded the motion and it was carried.

8. Zoning Ordinance Amendment: Section 3.4 Definitions, 6.3 Signs Permitted in all Districts & 6.7 Types of Commercial Signs Permitted

Open Public Hearing 6:43pm

Mike Dickson, GIS, discussed the text amendments were approved at the May Planning Board meeting.

There was a question on wall mounted signs, and rather they must be attached to the home.

Sally Edens 9<sup>th</sup> street spoke on the size of the signage.

Marty Martin N. New River Drive asked about dune signs.

There was a request to table the item from the public.

Sandy Lowry of Saltwater Landing Drive questioned the regulation of residential dwelling signage.

Mr. Herring of Boca Bay Lane requested the item be tabled.

David Byrd 103 Durham Ave asked for the item to be tabled.

Closed Public Hearing 7:00 pm

Mrs. Albury made a motion to table the item until August. Mr. Shugarts seconded the motion and it was carried.

9. Resolution 2019-15: Request for NCDOT to prohibit low speed vehicles on state-maintained roads within Surf City Corporate limits

Open Public Hearing 7:01pm

Chief Ron Shanahan gave background information on low speed vehicles and the proposed prohibition of them on state highways.

Mrs. Albury questioned the resolution.

Mr. Shugarts asked for facts and/or statics.

Chief Shanahan gave the injury facts for North Carolina and stated he had personally contacted 22 coastal communities, 17 did not allow golf carts.

Mr. Helms stated after 31 years of law enforcement he has never investigated a golf cart incident. He spoke on concerns for those off island residents using golf carts.

Mr. Fowler spoke on a previous resolution in 2014 that required all golf carts be street legal on state highways.

Norwood Williams of Now Boys Loop stated his dis-like for the restrictions.

Mark Gregory 109 Twilight Court stated his disregard for the regulation.

Kenny Holley of Now Boys Loop discussed his wish to continue the use of the street legal golf carts.

Reed Roberson 4084 4<sup>th</sup> St stated his wish was to continue to use of street legal golf carts on state highways.

Daniel Blevins of N. New River Drive discussed the impediment of traffic and the request for more statics.

Roger Morton 179 Cornel Lane thanked the police chief for his work and protection and spoke against allowing golf carts on state highways.

Jeff Thigpen of Now Boys Loop asked the council to keep the regulations as they currently stand.

David Byrd 103 Durham Ave asked for golf carts to pull over when impeding traffic.

Derrick Sholar of Holly Ridge Tire stated as an owner of a golf cart rental business they have never had one accident.

Sue Medlin Smith of Seahorse Ave. questioned if you have to have baby seats on golf carts.

Chief Shanahan answered yes.

Close Public Hearing 7:27pm

Mrs. Albury made a motion to not adopt the resolution. Mr. Fowler seconded the motion and it was carried.

#### VIII. GENERAL ITEMS –

##### 10. Preliminary Site Plan Approval: Surf City Crossing

Mike Dickson stated Evolve Surf City Crossing is seeking approval for an apartment complex. All town departments have signed off and the Planning Board approved the development plan at their May meeting.

Mr. Shugarts made a motion to postpone the site plan approval. Mrs. Batts seconded the motion.

Mr. Shugarts requested a cleaner understanding for the citizens and the ownership of the neighboring properties and traffic impacts.

Mike Dickson illustrated the layout of the properties.

Mrs. Albury stated the developers need to understand the impacts of roadways and entrances.

The Mayor stated the Planning Department is working with the Terraces to gain an additional entrance from Hwy 17 for access.

The motion was carried unanimously.

IX. PUBLIC COMMENT– Citizens have an opportunity to address the Council for no more than three minutes per speaker on topics which concern agenda items of this meeting.

Jim Conaway 104 Hop Tree Branch spoke on the safety concerns of Dogwood Lakes regarding vehicular traffic.

Steve Hodgson 111 Cornel Lane spoke on his concerns for the roadways in Dogwood Lakes.

Wes Preston 135 Roughleaf Trail discussed traffic impacts within Dogwood Lakes.

Laura Jaresz 114 Osier Drive discussed the impact on her family and the dangers of the high traffic.

Eric Frederick 109 Bunchberry Court discussed his concerns with the newly created traffic inside Dogwood Lakes.

Richard Vessov 2503 S. Shore Drive thanked the police chief and addressed the council on public comment timing.

Skip Watkins 4014 4th St. questioned the loss of public parking along N. Shore Drive in the right-of-way due to items within the right-of-way.

Daniel Blevins 621 B. N. New River Drive spoke on the stewardship of Surf City that lays in the council's hands.

Ed Wilson 136 Cornel Lane discussed the concerns of the widths of the roads in Dogwood Lakes.

Phil Durr 1714 N. New River Drive thanked the police chief and voiced concerns on public comments at the previous meeting. He also discussed ADA access ramps.

David Byrd 103 Durham Ave apologized for his previous actions. He also spoke on the need for handicap access.

Patty Gilbride 8013 8th St. questioned the consent agenda.

X. COUNCIL FORUM

Mrs. Albury thanked everyone for coming out and their concerns and comments. She asked for everyone to work together.

Mr. Shugarts discussed how it was great to see everyone work together. He asked the planning board to take a closer look into developments as they appear in the future. He thanked Ashley for the balanced budget. He spoke on lifeguards. He stated it was the busiest Memorial Day ever.

Mr. Helms thanked everyone for coming and stated he disagreed with the homeowners in Dogwood Lakes. He stated his neighbors in Dogwood Lakes have small children and they all hang out in the intersection. He too stated he did not want an additional 2300 cars per day, his concerns were with public safety and exiting the neighborhood in a safe manner.



Mrs. Batts thanked everyone for coming and she thanked each department for working so hard post storm. She thanked the council for working together tonight. She stated you must listen to the residents. She reminded everyone of the June 22<sup>nd</sup> preparedness day. She gave an Emergency Operations update.

Mr. Folwer thanked everyone for coming out and for all the correspondence this week. He stated they are working on right-of-way issues for parking. He stated the planning board hears all zoning matters before they are heard by council. The planning board is the place for public comments and/or concerns with zoning issues so they can be addressed before they get to the council. He stated the consent agenda is set by the clerk and the Mayor or any two council members. These items are normal protocol and all site plans are heard by the planning board beforehand.

Mayor stated the agenda is added to the website the Wednesday before the Tuesday meeting. He discussed the consent agenda items. He stated they council try's their best to let everyone's opinion be heard.

#### XI. MANAGER'S REPORT

Ashley Loftis gave an update on beach accesses and the addition of porta-johns. Thirty-three of thirty-six accesses are open. NCDOT is going to start cleaning the bridge the third Sunday of the month. At this time the town will be cleaning the bridge on the first week of the month and it will be addressed from there.

#### XII. TOWN ATTORNEY REPORTS

The attorney discussed the consent agenda.

#### XIII. ADJOURNMENT

Mr. Helms made a motion to adjourn. Mr. Fowler seconded the motion and it was carried.



# TOWN OF SURF CITY

## June 21, 2019 WORK SESSION MINUTES

9:00 AM / Friday, June 21, 2019

Surf City Welcome Center, 102 N. Shore Drive

### **Council Members Present:**

Mayor Douglas C. Medlin

Mayor Pro-Tem William J. Fowler

Nelva Albury

Teresa Batts

Jeremy Shugarts

### **Call to Order**

Mayor Douglas C. Medlin, Mayor

### **Invocation & Pledge**

### **Introductions & Welcome**

### **Work Plan**

1. Town Council Suggested Rules of Procedure
2. Saltwater Landing Sec. 5 Roads Acceptance
3. Closed Session NCGS 143-318.11(a)(3) Attorney Client Privilege: Legal Services

### **Town Council Work Plan Items:**

#### **1. Town Council Suggested Rules of Procedures**

Stephanie Hobbs discussed a Resolution for Meeting procedures for a city council.

The Council came to the consensus to move the item to the regular scheduled August Council meeting.

#### **2. Saltwater Landing Sec. 5 Roads Acceptance**

Chad Merritt discussed the acceptance of Saltwater Landing Section 5 streets. He stated that the planning board is reviewing our current street acceptance process. There was discussion on the current street standards required by the town, construction and acceptance process.

David Price stated who previously worked on the project spoke of conversations with the Lanier's in the past regarding road standards.

Mr. Merritt requested that the council hold off on accepting the streets until the requested documentation is provided from the Lanier family, the developers of Saltwater Landing. He ask that the town wait to the final build out is complete until the town takes street acceptance.

Chief Shanahan spoke on conducting traffic studies before taking over streets. This would provide for proper traffic control methods within these subdivisions before any issues arise after acceptance.

Mrs. Loftis stated this would be an ordinance amendment to require the developer to conduct a traffic study as part of the street acceptance process.

The Council came to the consensus to move forward with a Unified Development Ordinance and to not move forward at this time with accepting the Saltwater Landing Section 5 streets.

### **3. Closed Session NCGS 143-318.11(a)(3) Attorney Client Privilege: Legal Services**

Mrs. Albury made a motion to go into closed session pursuant to NCGS 143-318.11(a)(3) & NCGS 143.318.11(a)(6).

Mr. Shugarts made a motion to go back into regular session. Mrs. Batts seconded the motion and it was carried.

Mrs. Loftis gave an update on the status of the new town hall.

Mr. Shugarts made a motion to adjourn.



# TOWN OF SURF CITY

## July 1, 2019 SPECIAL MEETING MINUTES

*5:30 PM / Monday, July 1, 2019*

*Surf City Welcome Center, 102 N. Shore Drive*

### **Council Members Present:**

Mayor Douglas C. Medlin

Mayor Pro-Tem William J. Fowler

Donald Helms

Nelva R. Albury

Teresa Batts

Jeremy Shugarts

### **Call to Order**

Mayor Douglas C. Medlin, Mayor

### **Invocation & Pledge**

### **Introductions & Welcome**

### **Old Business**

#### **1. Preliminary Site Plan Approval: Surf City Crossing**

Mr. Padgett discussed the proposed site plan and that the plans are in compliance with all town codes and regulations. Previously the site plan was postponed checking into an additional entrance, this could not be done due to wetlands issues with the Army Corps of Engineers. The second connection entrance with the Terraces can be closed for emergency vehicles only. The developer has agreed to pay for this emergency gate. The planning department will amend the town ordinance to reflect allowance of the gate.

Mr. Helms made a motion to approve the site plan. Mr. Fowler seconded the motion and it was carried unanimously.

### **New Business**

#### **2. Ordinance Amendment: Article IV. Section 17-114 Parking**

Chief Shanahan discussed parking situations throughout the community but more specifically to Roland Ave. The newly created parking is designated with concrete paint. Boat trailers have been parking across the spots taking up many designated spots at one time. The new proposed ordinance would only allow for those spots along Roland to be parked within the designated spot. The department will put signage along Roland to notify those with boat trailers.

The council discussed the importance of signage for public notification.

Mr. Shugarts made a motion to approve the ordinance as presented. Mr. Helms seconded the motion and it was carried unanimously.

### 3. Appointment for Legal Services

Mrs. Loftis discussed that the town has interviewed three legal counsels.

Mr. Helms made a motion to approve the appointment of Brain Edes as the legal counsel. Mrs. Albury seconded the motion and it was carried.

Mr. Fowler made a motion to adjourn. Mr. Helms seconded the motion and it was carried.



# TOWN OF SURF CITY

## July 19, 2019 WORK SESSION MINUTES

9:00 AM / Friday, July 19, 2019

Surf City Welcome Center, 102 N. Shore Drive

### **Council Members Present:**

Mayor Douglas C. Medlin  
Mayor Pro-Tem William J. Fowler  
Donald Helms  
Nelva Albury  
Teresa Batts  
Jeremy Shugarts

### **Call to Order**

Mayor Douglas C. Medlin

### **Invocation & Pledge**

### **Introductions & Welcome**

### **Work Plan**

1. One-Way-Streets Proposal
2. Christmas Tree Lighting Ceremony 5k
3. Beautification & Appearance Committee Appointments
4. Closed Session NCGS 143-318.11(a)(6) Personnel

### **Town Council Work Plan Items:**

#### **1. One-Way-Streets Proposal**

Chad Merritt, Parks & Recreation Director, gave a proposal to create one-way streets at High Point Ave, Kinston Ave., and on N. Shore Drive between Neptune and Broadway. He also proposed a crosswalk on N. Shore Drive at the Broadway Street beach access. He explained current traffic and pedestrian concerns in these certain areas; and that creating one-way streets would alleviate these concerns and create a safer environment; and that the streets are very narrow. Rocky Godwin with 50 South Surf Shop has also voiced concerns regarding the narrow streets and high volume of vehicular traffic and foot traffic. Residents around the N. Shore Drive Broadway beach access have voiced concerns regarding public safety concerns with pedestrians, as this area has high amounts of foot traffic because of the park and public bathrooms.

Chief Wilson, Fire Chief and Chief Shanahan, Police Chief were supportive of the newly created one-way streets.

Mr. Fowler requested that Chad speak with Ward Realty to see if they had any concerns with the one-way street at Kinston Ave.

Mayor requested that Chad speak with the businesses located along the proposed one-way streets.

Mrs. Batts recommended an overall traffic study within the town as there are many side streets that are very narrow on the island, specifically Greensboro Ave.

The council came to the consensus to conduct a traffic study and move forward with a plan and design after speaking with impacted property owners.

## **2. Christmas Tree Lighting Ceremony 5k**

Chad Merritt, Parks & Recreation Director, presented adding a 5k Run to the annual Christmas Tree Lighting Ceremony. The event would be held before the annual ceremony would start. Becky Filler, a local resident, proposed the idea to the special events committee, and the proceeds would be given to the Surf City school for game fields. This would not cause any additional funding from the town because we already have our annual event going on. He asked for the fees to be waived for the entire event, since it would be part of our annual event. This is a good thing for the community.

The council came to the consensus to move forward with adding the 5k to the Tree Lighting Ceremony and waiving the fees.

## **3. Beautification & Appearance Committee Appointments**

The council came to the consensus to move forward with appointing the two applicants to the August council agenda.

## **4. Closed Session NCGS 143-318.11(a)(6) Personnel**

Mr. Helms made a motion to go into closed session pursuant to NC GS 143-318.11(a)(6) personnel. Mrs. Albury seconded the motion and it was carried.

Mrs. Albury made a motion to advertise for a town manager and a planner. Mrs. Batts seconded the motion and it was carried.

Mrs. Albury made a motion to adjourn. Mr. Shugarts seconded the motion and it was carried.



**CANDIDATES REQUEST FOR APPOINTMENT  
ADVISORY BOARDS AND COMMITTEES  
TOWN OF SURF CITY**

Are you a Town of Surf City resident, at least 18 years of age, willing to volunteer your time and expertise to your community? Please complete this application and return to:

Mail Completed  
Form: Town of Surf  
City Attn: Town Clerk  
PO Box 2475  
Surf City, NC 28445

Email completed form:  
shobbs@surfcitync.gov

Fax completed form:  
910-328-4132

Board/Committee: Beautification

Applicant Name: Jeane Jeffreys

Home Address: 145 Atkinson Rd. S.C.

Business Address: [Redacted]

1

1

Do you live within the Corporate limits of Surf City?    ]No

How long have you been a resident in Surf City?   2   Years

**Education and Employment Information**

High School: millbrook HS Raleigh NC

Year Graduated: 1968

Institution Name: Peace College

Year Graduation: 1970

Major: A.S.

Current Employer: Retired

Title/Position:   

Duties:



## General Information

Current membership in organizations and offices held:

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Past organizational membership and offices held:

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Do you anticipate a conflict of interest by serving as a member of a Board or Committee? No

If yes, explain:

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Do you possess subject matter education, training, and/or experience for the Board or Committee for which you are applying? If yes, explain below

Home gardener

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If no, state reasons why you feel qualified for this appointment.

Love gardening - Love S.C,

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NOTE:

This information will be used by the Town Council in making appointments to Boards and Committees. In the event you are appointed, some information may be used as a news release to identify you to the community.

Jan Albano  
NAME

2-1-19  
DATE



**CANDIDATES REQUEST FOR APPOINTMENT  
ADVISORY BOARDS AND COMMITTEES  
TOWN OF SURF CITY**

Are you a Town of Surf City resident, at least 18 years of age, willing to volunteer your time and expertise to your community? Please complete this application and return to:

Mail Completed  
Form: Town of Surf  
City Attn: Town Clerk  
PO Box 2475  
Surf City, NC 28445

Email completed form:  
shobbs@surfcitync.gov

Fax completed form:  
910-328-4132

Board/Committee: BEAUTIFICATION  
Applicant Name: TERYE KUCHTA  
Home Address: 201-G SHELL RD. SURF CITY  
Business Address: \_\_\_\_\_



Do you live within the Corporate limits of Surf City? ☒ Yes ☐ No



How long have you been a resident in Surf City? 1 Years (MAY)

**Education and Employment Information**

High School: KITTANNING SENIOR HIGH  
Year Graduated: 1975

Institution Name: PENNSYLVANIA STATE UNIVERSITY  
Year Graduation: 2013  
Major: HUMAN DEVELOPMENT AND FAMILY STUDIES

Current Employer: RETIRED  
Title/Position: \_\_\_\_\_  
Duties: \_\_\_\_\_

## General Information

Current membership in organizations and offices held:

NONE

Past organizational membership and offices held:

PARKINSON FOUNDATION OF WESTERN PA - CHAIR 'STEP FORWARD'  
PARKINSON'S FOUNDATION - CHAIR 'MOVING DAY'  
RAILS TO TRAILS - MEMBER

Do you anticipate a conflict of interest by serving as a member of a Board or Committee? No

If yes, explain:

Do you possess subject matter education, training, and/or experience for the Board or Committee for which you are applying? If yes, explain below

SEE ATTACHED

If no, state reasons why you feel qualified for this appointment.

SEE ATTACHED

As chair of the Step Forward and Moving Day committees, for the Parkinson's Foundation, I coordinated event layouts and schedules as well as volunteers, along with ongoing fundraisig efforts.

I have taken immense pleasure in both planning and executing landscaping projects around my own home and look forward to using that experience to benefit my new community.

**RESOLUTION # 2019-18**

**APPROVAL OF RULES OF PROCEDURE**

**WHEREAS,** The Town Council operate under adopted rules of procedure; and

**WHEREAS,** these rules have been revised due to changes in state law and to conform to current practices.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Surf City that the attached revised rules of procedure are hereby adopted.

Adopted this the 6th day of August 2019.

ATTEST:

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Stephanie Edwards Hobbs, Town Clerk

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Douglas C. Medlin, Mayor

*THIS IS AN ANNOTATED VERSION OF THE TOWN OF SURF CITY'S MEETING  
PROCEDURES. ANNOTATIONS ARE TO TREY ALLEN'S SUGGESTED RULES OF  
PROCEDURE FOR A CITY COUNCIL. FOURTH EDITION, UNC SCHOOL OF  
GOVERNMENT ("Suggested Rules")*

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Reference to Robert's Rules of Order Newly Revised ("RONR")  
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Precedence

## Preamble

The Town of Surf City Meeting Procedures set forth the rules for calling, conducting and memorializing meetings of the Town of Surf City Town Council (the "Board") as well as the procedures for actions during such meetings. These procedures are designed to promote transparency and efficiency throughout Board Meetings. They contain explanatory annotations with references to the North Carolina General Statutes, the Town's Charter, and secondary resources which inform the policy behind these procedures. Where possible, the annotations indicate where these procedures deviate from the Suggested Rules.

### 1. **Regular Meetings**

(a) *Regular Meeting Schedule.* Unless otherwise determined by the Board, the Board shall hold a regular meeting on the first Tuesday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day, and except for July where no meeting is held. The meeting shall be held at the Town Hall and shall begin at 6:30 PM. A copy of the Board's current meeting schedule shall be filed with the town clerk.

(b) *Change to Meeting Schedule.* Notwithstanding paragraph (a) of this rule, the Board may amend its regular meeting schedule to add or delete meetings or to change the date, time, or location of one or more meetings on the schedule. The amended schedule shall be filed with the town clerk at least seven (7) calendar days before the day of the first meeting held pursuant to the revised schedule.

N.C.G.S. §160A-71 allows the Board to fix a time and place for regular meeting; N.C.G.S. §143-3 18.12(a) requires the Board's schedule of regular meetings to be kept on file with the town clerk.

### 2. **Special, Emergency, and Adjourned Meetings**

*Special Meetings.* The mayor, the mayor pro tempore, or any two members of the Board may at any time call a special Board meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. At least 48 hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be

(a) delivered to the mayor and each Board member either in person or via e-mail (to his or her Town e-mail address) or left at his or her usual dwelling place;

(a) posted on the Board's principal bulletin board, or if none, at the door of the Board's usual meeting room; and

(c) mailed, e-mailed, or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the town clerk. Only those items of business specified in the notice may be transacted at a special meeting called in this



manner, unless all members are present or have signed a written waiver of notice.

A special meeting may also be called or scheduled by vote of the Board in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place, and purpose. At least 48 hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (a) posted on the Board's principal bulletin board, or if none, at the door of the Board's usual meeting room; and (b) mailed, e-mailed, or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the town clerk. Such notice shall also be mailed, e-mailed, or delivered at least 48 hours before the meeting to each Board member not present at the meeting at which the special meeting was called or scheduled, and to the mayor if he or she was not present at that meeting.

Any notice required to be posted on the Board's principal bulletin board or at the door of the Board's usual meeting room shall be posted on the door of the building or on the building in an area accessible to the public if the building containing the principal bulletin board or usual meeting room is closed to the public continuously for 48 hours before the time of the meeting.

The town shall post notice of any meeting held in accordance with this Rule 2(a) prior to the scheduled time of that meeting.

*Emergency Meetings.* The mayor, the mayor pro tempore, or any two members of the Board may at any time call an emergency Board meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and each Board member or left at his or her usual dwelling place at least six hours before the meeting. Notice of the meeting shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting notice request, which includes the newspaper's, wire services, or station's telephone number, with the town clerk. This notice shall be given either by e-mail, by telephone or by the same method used to notify the mayor and the Board members and shall be given at the expense of the party notified.

Emergency meetings may only be called because of generally unexpected circumstances that require immediate consideration by the town Board. Only business connected with the emergency may be considered at an emergency meeting.

*Adjourned Meetings.* A properly called regular, special, or emergency meeting may be adjourned by a procedural motion made and adopted as provided in Rule 16 Procedural Motions in open session during the regular, special, or emergency meeting. No further notice need be given of an adjourned session of a properly called regular, special, or emergency meeting, if the time and place at which the meeting is to be continued is announced in open session.

N.C.G.S. §160A-71 and 143-318.12(b);

3. **Organizational Meeting**

On the date and at the time of the first regular meeting following a general election in which Board members are elected, or at an earlier date, if any, set by the incumbent Board, the newly elected members shall take and subscribe the oath of office. Unless postponed to a time certain, the Board shall at the same meeting, elect a mayor pro tempore. This organizational meeting shall not be held before the municipal election results are officially determined, certified, and published in accordance with Subchapter IX of Chapter 163 of the North Carolina General Statutes.

N.C.G.S. §160A-68;

4. **Agenda**

The Town Clerk shall develop a preliminary agenda for the next regular business meeting from the Board's work session held on the third Friday of each month. The town clerk shall prepare and distribute the agenda for each regular business meeting. Except for emergency and other time-sensitive matters, a request to have an item of business placed on the agenda must be received by the town clerk before the commencement of the work session. The Mayor may have an item placed on the proposed agenda. A Board member may have an item placed on the proposed agenda at or following the work session, if at least one other Board member agree. The Town Manager may place an emergency or time-sensitive item on the proposed agenda at or following the work session, in his or her discretion, no later than twenty- four (24) hours prior to the next regular meeting. A copy of all proposed ordinances shall be attached to the final agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce. Each Board member shall receive a copy of the proposed agenda and the agenda package, and it shall be available for public inspection and distribution or copying when it is distributed to the Board members.

N.C.G.S. §160A-71(c).

**Approval of Agenda:** As its first order of business at each meeting, the Board shall review the draft agenda, make whatever revisions it deems appropriate, and adopt a formal agenda for the meeting.

**Amending the Agenda:** Before the adoption of the agenda the council may add or subtract agenda items by majority vote of the members present and voting.

**Consent Agenda:** The Board may designate part of an agenda for a regular meeting as the consent agenda. Items may be placed on the consent agenda by the person(s) charged with preparing the draft agenda if the items are judged to be noncontroversial and routine. Prior to the Board's adoption of the meeting agenda the request of any member to have an item moved from the consent agenda to unfinished or general business must be honored by the Board. All items on the consent agenda must be voted on and adopted as one single motion, with minutes reflecting the motion and vote for each item.

The Board shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the Board to understand what is being deliberated, voted, or acted on. The Board may, however, deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda, sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on, are available for public inspection at the meeting.

5. **Order of Business**

Adoption of the Agenda  
Approval of the Consent Agenda  
Public Hearings  
Public Comments  
Administrative Reports  
Unfinished Business  
New Business  
Council Comments  
Attorney Reports

6. **Presiding Officer- Mayor**

When present the Mayor is the presiding officer. The Mayor may only vote when an equal number of affirmative and negative votes have been cast.

A member must be recognized by the Mayor or presiding in order to address the Board, but recognition is not necessary for an appeal.

As presiding officer, the Mayor is to enforce these rules and maintain order and decorum during Board meetings. The Mayor may:

- Rule on points of parliamentary procedure;
- Determine whether a member or other speaker has gone beyond reasonable standards of courtesy in his or her remarks and entertain a rule on objections from other members on this ground;
- Entertain and answer questions of parliamentary procedure;
- Call a brief recess at any time; and
- Adjourn in an emergency meeting.

*\*\*Annotation: Ordinance Chapter I Sec. 4\*\**

7. **Public Address to the Board**

The Board shall provide at least one period for public comment per month at the Board's regular meeting. [NOTE: The Board may adopt reasonable rules governing the conduct of the public comment period, including, but not limited to, rules (i) fixing the maximum time allotted to each speaker, (ii) providing for the designation of spokesmen for groups of persons supporting or opposing the same positions, (iii) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall, and (iv) providing for the maintenance of order and decorum in the conduct of the hearing.]

The Board may not restrict speakers based on subject matter, as long as their comments pertain to subjects within the Board's real or apparent jurisdiction.

N.C.G.S § 160A-81.1.

8. **Action by the Board**

The Board shall proceed by motion. Any member may make a motion.

9. **Second Required**

A motion shall require a second.

*\*\*Annotation\*\** Differs from rule 22 page 35

10. **One Motion at a Time**

A member may make only one motion at a time.

11. **Substantive Motions**

A substantive motion is out of order while another substantive motion is pending.

12. **Adoption by Majority Vote**

A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.

13. **Voting by Written Ballot**

The Board may choose by majority vote to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the Board shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the town clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

N.C.G.S. §143-318.13(b).

14. **Debate**

The mayor or presiding officer shall state the motion, then open the floor to debate and shall direct the debate according to the following general principles:

- (a) The introducer (the member who makes the motion) is entitled to speak first;
- (b) A member who has not spoken on the issue shall be recognized before someone who has already spoken;
- (c) To the extent possible, the debate shall alternate between opponents and proponents of the measure.

*\*\*ANNOTATION\*\* Suggested Rule 25, Suggested Rules p 36.*

15. **Procedural Motions**

In addition to substantive proposals, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption.

*\*\*ANNOTATION\*\* See Suggested Rule 31, Suggested Rules pp. 41-52. Note: Suggested Rules provides a more formal and comprehensive approach to Procedural Motions practice including permitting additional Procedural Motions not included herein.*

See RONR

In order of priority (if applicable), the procedural motions are:

- (a) *To Adjourn.* A motion to adjourn is always in order and will be decided without debate.
- (b) A motion to adjourn to a time and place certain shall also comply with the requirements of Rule 2(c).
- (c) *To Take a Brief Recess.*
- (d) *Call to Follow the Agenda.* The motion must be made at the time an item of business deviates from the agenda is proposed; otherwise, the motion is out of order as to that item.

*\*\*ANNOTATION\*\* See Suggested Rules p 44.*

- (e) *To Suspend the Rules.* To be adopted, a motion to suspend the rules must receive affirmative votes equal to at least two-thirds of the council's actual membership, excluding vacant seats and not counting the mayor if the mayor votes only in case of a tie. The Board may not suspend provisions of the rules that state requirements imposed by law on the Board.
- (f) *To Divide a Complex Motion.* This motion is in order whenever a member wishes to consider and vote on parts of a complex motion separately. The member who makes this motion must specify how the complex motion will be divided.
- (g) *To Defer Consideration (To Lay on the Table).* A substantive motion the consideration of which has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted.

*\*\*ANNOTATION\*\* See Suggested Rules p 46. Note Suggested Rules includes additional language making clear a new substantive motion with the same effect may not be considered and makes clear action must be taken to revive the substantive motion.*

- (h) *To End Debate (Call the Previous Question).* If adopted, this motion terminates debate on a pending motion, thereby bringing it to an immediate vote. This motion is not in order until every

member has had an opportunity to speak once on the pending motion.

**\*\*ANNOTATION\*\*** See *Suggested Rules p 47*

- (i) *To Postpone to a Certain Time or Day.*

**\*\*ANNOTATION\*\*** See *Suggested Rules p 48.*

- (j) *To Refer to a Committee.* The Board may vote to refer a substantive motion to a committee for study and recommendations. Sixty days or more after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Board, whether or not the committee has reported the matter to the Board

**\*\*ANNOTATION\*\*** See *Suggested Rules p 48.*

- (k) *To Amend.* An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the amended motion has the same effect as rejection of the original motion.

A motion may be amended, and that amendment may be amended, but no further amendments may be made.

Any amendment to a proposed ordinance shall be reduced to writing before the vote on the amendment.

When a motion to amend is under consideration, a motion to amend the amendment may not be made; however, no more than one motion to amend and one motion to amend the amendment may be pending at the same time.

**\*\*ANNOTATION\*\*** See *Suggested Rules p 48-49.*

- (l) *To Revive Consideration.* The motion is in order any time within 100 days after the day of a vote to defer consideration pursuant to a motion properly taken under Rule 16(f). A substantive motion on which consideration has been deferred expires 100 days after the deferral unless a motion to revive consideration is adopted.

**\*\*ANNOTATION\*\*** See *Suggested Rules p 50.*

- (m) *To Reconsider.* The motion must be made by a member who voted with the prevailing side, and only at the meeting during which the original vote was taken, including any continuation of that meeting through adjournment to a time and place certain. The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting.

**\*\*ANNOTATION\*\*** See *Suggested Rules p 50.*

- (n) *To Rescind or Repeal.* The Board may vote to rescind an action taken at a prior meeting

provided rescission is not forbidden by law.

**\*\*ANNOTATION\*\*** See Suggested Rules p 51.

- (o) *To Prevent Reconsideration for Six Months.* The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to two-thirds of the actual membership of the Board excluding the mayor and vacant seats. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the Board, whichever occurs first.

**\*\*ANNOTATION\*\*** See Suggested Rules p 51.

16. **Propriety of Motion**

When a question is under consideration by the Board, no motion (other than a motion to adjourn, which always is in order) shall be entertained except to:

- (a) Defer consideration (Lay on the table);
- (b) Postpone to a time certain;
- (c) Postpone indefinitely;
- (d) Refer to a committee;
- (e) Amend;
- (f) Strike out or insert;
- (g) Divide.

Motions for any of the purposes listed in subsections (a) through (g) above have precedence in the order named.

17. **Withdrawal of Motion**

A motion may be withdrawn by the introducer at any time before a vote.

**\*\*ANNOTATION\*\***: See Suggested Rules p 36 (Rule 24). Under the Suggested Rules amendment of the motion also forecloses its withdrawal.

18. **Duty to Vote**

Every member must vote unless excused by the remaining members according to law. A member who wishes to be excused from voting shall so inform the mayor, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his or her own financial interest or official conduct. Additionally, when the Board is acting in a quasi-judicial capacity, no Board member shall participate in a manner that would violate an affected person's constitutional rights to an impartial decision maker. Impermissible conflicts that could jeopardize an affected person's constitutional rights include, but are not limited to, a member having a fixed opinion prior to hearing the matter, which opinion is not susceptible to change; undisclosed ex parte communications; a close familial, business, or other associational relationship with an affected person; or a financial interest in the

outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection. In all cases other than those set forth in this Rule 20, a failure to vote by a member who is physically present in the Board chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote. A member's unexcused failure to vote shall not be recorded as an affirmative vote if the motion concerns a proposal to amend, supplement, or repeal a zoning ordinance. Instead, the member's unexcused failure to vote shall be recorded as an abstention.

N.C.G.S. §160A-75 and §160A-388(e)(1); Charter, Art. III, Sec. 3.6(b).

*\*\*ANNOTATION\*\* See Suggested Rules p. 38 (Rule 28). This rule provides greater guidance than the Suggested Rules as to what may constitute grounds for recusal under North Carolina law incorporating principles from the statutory language. The final sentence has been added to track modifications to N.C.G.S. §160A-75, specifically to reflect a policy decision by the North Carolina General Assembly to allow abstentions when voting to amend or repeal zoning ordinances.*

#### 19. **Closed Sessions**

The Board may hold closed sessions as provided by law. The Board shall only commence a closed session after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. If the motion is based on G.S. 143-318.11(a)(1) (closed session to prevent the disclosure of privileged or confidential information or information that is not considered a public record), it must also state the name or citation of the law that renders the information to be discussed privileged or confidential. If the motion is based on G.S. 143-318.11(a)(3) (consultation with attorney; handling or settlement of claims, judicial actions, or administrative procedures), it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session. The motion to go into closed session must be approved by the vote of a majority of those present and voting. The Board shall terminate the closed session by a majority vote.

Only those actions authorized by statute may be taken in closed session. A motion to adjourn or recess shall not be in order during a closed session.

N.C.G.S. §143-318.11.

*\*\*ANNOTATION\*\* See Suggested Rules p. 9.*

#### 20. **Quorum**

The presence of quorum is necessary for the council to conduct business. A majority of the actual membership of the Board, excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

N.C.G.S. §160A-74;



**\*\*ANNOTATION\*\*** See *Suggested Rules p 6*.

*North Carolina statute defines Quorum as: "A majority of the actual membership of the council plus the mayor, excluding vacant seats, shall constitute a quorum." G.S. 160A-74*

21. **Quorum at Public Hearings**

A quorum of the Board shall be required at all public hearings required by state law. If a quorum is not present at such a hearing, the hearing shall be continued until the next regular Board meeting without further advertisement.

N.C.G.S. §160A-81;

*ANNOTATION: This rule does not appear in Suggested Rules.*

22. **Meeting Minutes**

The Board must keep full and accurate minutes of all its meetings, including closed session. To be "full and accurate" minutes must record all action taken by the council. They should set out the precise wording of each motion and make it possible to determine the number of votes cast for and against each motion. The minutes need not record discussions of the council, though the council in its discretion may decide to incorporate such details in the minutes.

**\*\*Annotation\*\*** See *Suggested Rules p. 13*

23. **Minutes for Closed Sessions**

When the Board meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such accounts may be a written narrative, or video or audio recordings. Minutes and accounts of closed sessions may be sealed by action of the Board. Such sealed minutes or accounts may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session. The minutes or accounts will remain sealed until further action of the Board.

N.C.G.S. §160A-72 and 143-318.

**\*\*ANNOTATION\*\*** See *Suggested Rules p. 14*

24. **Reference to Robert's Rules of Order Newly Revised**

To the extent not provided for in these rules, and to the extent it does not conflict with North Carolina law or with the spirit of these rules, the Board shall refer to Robert's Rules of Order Newly Revised, to answer unresolved procedural questions.

**\*\*ANNOTATION\*\*** See *Suggested Rules p 65 (Rule 41)*.



## APPENDIX

### Permitted Procedural Motions in Order of Precedence<sup>1</sup>

Motion	Vote Required <sup>2</sup>	Special Requirements
(a) To Adjourn	Majority	Motion to adjourn is always in order (except that it is out of order in closed session) and will be decided without debate. Motion to adjourn to a time and place certain must also comply with Rule 2(c). <i>ANNOTATION: See Suggested Rules p 43.</i>
(b) To Take a Brief Recess	Majority	None. <i>ANNOTATION: See Suggested Rules p 43.</i>
(c) Call to Follow the Agenda	Majority	Must be made at first reasonable opportunity, or the right to make it is waived for the out-of-order item in question. <i>ANNOTATION: See Suggested Rules p 44.</i>
(d) Call of the Previous Question	Majority	Not in order until there have been at least 20 minutes of debate, and every member has had an opportunity to speak once. <i>ANNOTATION: See Suggested Rules p 47.</i>
(e) To Suspend the Rules	Two-Thirds	The Board may not suspend provisions of the rules that state requirements imposed by law on the Board. <i>ANNOTATION: See Suggested Rules P 44.</i>

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<sup>1</sup> Under these rules all procedural motions are debatable (other than a motion to adjourn) and all require a second. All may be amended, subject to the stated limitations on motions to amend (Motion (j)). Except where indicated otherwise, procedural motions may interrupt deliberations on a pending substantive matter.

<sup>2</sup> The required vote for adoption of a procedural motion is generally a majority of the votes cast, a quorum being present. In a few cases, the required vote is a vote equal to two-thirds of the actual membership of the Board, excluding the mayor and vacant seats.

Motion	Vote Required	Special Requirements
(f) To Defer Consideration {To Lay on the Table)	Majority	<p>A substantive motion the consideration of which has been deferred expires 100 days thereafter unless a motion to revive consideration (Motion (m)) is adopted. <i>ANNOTATION: See Suggested Rules p 46.</i></p> <p>CAUTION: Do not confuse with Motion (g).</p>
(g) To Postpone to a Certain Time or Day	Majority	<p>None. <i>ANNOTATION: See Suggested Rules p 48.</i></p> <p>CAUTION: Do not confuse with Motion (f).</p>
(i) To Refer to a Committee	Majority	<p>Sixty days or more after a motion is referred to a committee, the introducer may compel consideration of the measure by the Board, regardless of whether the committee has reported the matter to the Board.</p> <p><i>ANNOTATION: See <u>Suggested Rules</u> p_ 48.</i></p>
(j) To Amend	Majority	<p>Amendments must be pertinent to the subject matter of the motion being amended. An amendment is improper if adoption of the amendment has the same effect as rejection of the original motion. A motion may be amended, and that amendment may be amended, but no further amendments may be made. An amendment to a proposed ordinance must be reduced to writing before the vote on the amendment. <i>ANNOTATION: See <u>Suggested Rules</u> p 48.</i></p>
(k) To Strike Out or Insert	Majority	None

<u>Motion</u>	Vote Required	Special Requirements
(l) To Revive Consideration	Majority	In order at any time within 100 days after the day of a vote to defer consideration (Motion (t)). Failure to adopt Motion (m) within the 100-day period results in expiration of the deferred substantive motion. <i>ANNOTATION: See Suggested Rules p 50.</i>
(m) To Reconsider	Majority	Must be made by a member who voted with the prevailing side. May only be made at the meeting at which the original vote was taken, including any continuation of that meeting through adjournment to a time and place certain. Cannot interrupt deliberation on a pending matter, but is in order at any before final adjournment of the meeting. <i>ANNOTATION: See Suggested Rules p 48.</i>
(n) To Rescind or Repeal	Majority	Not in order if rescission or real of an action is forbidden by law. <i>ANNOTATION: See Suggested Rules p 51.</i>
(o) To Prevent Reconsideration for Six Months	Two-Thirds	In order immediately following defeat of a substantive motion and at no other time. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the Board, whichever occurs first. <i>ANNOTATION: See Suggested Rules p 51.</i>

Motion	Vote Required	Special Requirements
(p) To Close a Meeting (To Enter into Closed Session)	Majority	<p>The motion shall state the purpose of the closed session. If the motion is based on G.S. 143-318.11(a)(1) (closed session to prevent the disclosure of privileged or confidential information or information that is not considered a public record), it must also state the name or citation of the law that renders the information to be discussed privileged or confidential. If the motion is based on G.S. 143-318.11(a)(3) (consultation with attorney; handling or settlement of claims, judicial actions, or administrative procedures), it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session. The Board shall terminate the closed session by a majority vote.</p> <p><i>ANNOTATION: See <u>Suggested Rules</u> p 9.</i></p>

CAUTION: *A motion to adjourn is not in order during a closed session. The closed session should be terminated by a majority vote and a motion to adjourn made thereafter in open session.*



**Town of Surf City**

**ORDINANCE NO. 2019-06**

**AN ORDINANCE AMENDING ARTICLE IV SECTION 17-114**

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SURF CITY, NORTH CAROLINA, THAT:

SECTION I. The Code of Ordinances, Article IV. Section 17-114. is hereby amended to read as follows:

**Article IV. Section 17-114 Parking in Designated Parking Areas**

- a. Motor vehicles may be parked in designated city parking areas on city streets, alleys, and bridges for the length of time so specified for the designated parking area.
- b. When using city parking spaces on city streets, alleys, and bridges, a single motor vehicle must be parked solely within the designated parking area for a single vehicle as indicated by painted lines, designations, or other city erected indications.
- c. Motor vehicles with attached trailers may only be parked in areas designated for motor vehicles with attached trailers.

SECTION II. WAIVER CLAUSE. The requirement of three separate readings of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of Town Council.

SECTION III. CODIFICATION. The provisions of Section I of this Ordinance shall be published as appropriate in the Surf City Code of Ordinances as soon as practicable.

SECTION IV. SEVERABILITY CLAUSE. If any section, part of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Town Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION V. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the Town Council of Surf City, North Carolina, at which a quorum was present, and which was held on the 6th day of August 2019

Adopted the 6th day of August 2019.

TOWN OF SURF CITY

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Douglas C. Medlin, Mayor

ATTEST:

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Stephanie Edwards Hobbs, Town Clerk

APPROVED AS TO FORM:

Crossley, McIntosh, Collier, Hanley & Edes, PLLC

---

Brian Edes, Town Attorney





**Town of Surf City**

## **ORDINANCE NO. 2019-05**

### **AN ORDINANCE AMENDING SECTIONS APPENDIX A: 3.4 DEFINITIONS, 6.3 SIGNS PERMITTED IN ALL DISTRICTS & 6.7 TYPES OF COMMERCIAL SIGNS PERMITTED**

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SURF CITY, NORTH CAROLINA, THAT:

SECTION I. The Code of Ordinances, Sections Appendix A: 3.4, 6.3 & 6.7 is hereby amended to read as follows:

#### **3.4 Definitions.**

*Abandon.* To cease the regular use or maintenance of a lot, building, or structure.

*Abutting.* Having common property boundaries or lot lines that are not separated by a street, alley, or other vehicular rights-of-way such as a utility easement.

*Accessory structure.* A structure or building incidental to the principal structure on the same lot. Accessory structures include, but are not limited to, detached garages, sheds, pool houses, material storage areas, barns and workshops.

*Adjacent.* See "Abutting."

*Adult bookstore.* Notwithstanding the definitions of "adult bookstore" contained in G.S. 14-202.10(1), "adult bookstore" means a business establishment that:

- \* Has one of its principal business purposes the sale or rental of; or
- \* Has a substantial or significant portion of its stock or trade for sale or rental; or
- \* Has "publications" that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified anatomical areas: as defined in G.S. 14-202.10(10), or "specified sexual activities", as defined in G.S. 14-202.10(9).
- \* Has "sexually oriented devices", as defined in G.S. 14-202.10(9).

As used in this definition, "publications" include, by way of illustration, books, magazines, other periodicals, movies, videotapes, and other products offered in photographic, electronic, magnetic, or other imaging medium.

In addition to all other information available to the town planner in making a determination whether a particular use is an "adult bookstore," any of the following shall be indicia that an

establishment has as one of its principal business purposes the sale or rental of (i) "publications" that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specific anatomical areas", as defined in G.S. 14-202.10(10), or "specified sexual activities", as defined in G.S. 14-202.10(11); and/or (ii) "sexually oriented devices" as defined in G.S. 14-202.10(9):

- \* Restricted access to the business establishment or portions of the business establishment by persons under sixteen (16) years of age; and/or

- \* Posted signs or notices outside and/or inside the business establishment indicating that the material offered for sale or rental might be offensive; and/or

- \* The building or portion of the building containing the business establishment does not have windows or has windows that are screened or otherwise obstructed or are situated in a manner that restricts visual access from outside the building to materials displayed within for sale or rental.

*Adult establishment.* Adult cabarets, adult bookstores, adult mini motion picture theaters, and all other places contained in G.S. 14-202.10.

*Adult mini motion picture theater.* Notwithstanding the definition of adult mini motion picture theater contained in G.S. 14-202.10(6), adult mini motion picture theater means an enclosed building with one (1) or more viewing booths or partitioned areas designed to hold patrons for the presentation and viewing of motion pictures (film, videotape, laser disc, CD-ROM or other imaging media), where:

- \* One of the principal business purposes is the presentation and viewing of motion pictures in the viewing booths that; or

- \* A substantial or significant portion of the stock of motion pictures available for viewing or that are actually viewed in the viewing booths:

Are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas," as defined in G.S. 14-202.10(10) or "specified sexual activities" as defined in G.S. 14-202.10(11) and/or "sexually oriented devices," as defined in G.S. 14-202.10(9).

In addition to all other information available to the town planner in making a determination whether a particular use is an adult mini motion picture theater, any of the following shall be indicia that an establishment has as one of its principal business purposes the presentation and viewing in viewing booths motion pictures that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified anatomical areas, as defined in G.S. 14-202.10(10), or specified sexual activities as defined in G.S. 14-202.10(11) and/or sexual oriented devices, as defined in G.S. 14-202.10(9):

- \* Restricted access to the business establishment or portions of the business establishment where viewing booths are located by persons under sixteen (16) years of ages; and/or

- \* Posted signs or notices outside and/or inside the business establishment indicating that the material offered for presentation and viewing in viewing booths might be offensive; and/or

\* The portion of the building containing the viewing booths is screened or otherwise located or situated in a manner that restricts or limits complete visual access to the booths from the primary or principal clerk or cashier area.

*Amusement, commercial outdoor.* Any business establishment which is primarily engaged in providing an amusement activity such as a miniature golf course, skateboard course, water slide, mechanical ride, par 3 golf course, golf driving range, go cart or motorcycle course, fish ranch, or similar activity to the general public.

*Amusement, commercial indoor.* Any business establishment which is primarily engaged in providing an amusement activity such as a video arcade, billiard parlor, skating rink or similar activity as a principal use to the general public, but does not include indoor motion picture theaters.

*Anchor tenant.* Major department or chain stores which are strategically located at shopping centers so as to give maximum exposure to smaller satellite stores.

*Approved architectural material.* The structural or applied surface component of a facade including brick, rock, tinted or textured concrete masonry units, wood plank, fiber cement siding, pre-cast concrete, tilt-up concrete, shakes, split faced block, marble or simulated substitute. All materials shall be of a high quality. Vinyl and metal siding may be used as a minor material of the building facade.

*Architectural element.* A facade module feature that is applied, inserted, incorporated or constructed into or upon the primary or secondary facade including real or faux windows; real or faux doors; awnings, gables, parapets, porticos, porte-cocheres, arcades, arches, cupolas, columns, roof lines, material projections, recesses, cornices, etc.

*Areas of environmental concern (AEC).* AEC's are areas of natural importance. It may be easily destroyed by erosion or flooding, or it may have environmental, social, economic or aesthetic values that make it valuable to the state. AEC's are the foundation of the Coastal Resource Commission's permitting program for coastal development.

*Automotive repair.* A building and its premises used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work. Minor repairs shall be limited to battery and tire changes, light and fuse replacement, wiper blade changes and similar activities. Also referred to as vehicle repair.

*Awning.* A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not a canopy.

*Bed and breakfast inn.* A use that takes place within a building that, prior to such an establishment, was a single family residence, that consists of renting from one to eight dwelling rooms on a daily basis to tourists, vacationers, and business travelers, where meals are provided only to guests. The homeowner shall reside on site and employment shall not exceed two full time employees in addition to the owner(s).

*Big box development.* A single structure containing at least fifty thousand (50,000) square feet of gross floor area that is constructed for the purpose of retail or wholesale occupancy.

*Buffer (see screening also).* A strip of land with natural or planted vegetation, located between a structure or use and a side or rear property line, intended to spatially separate and visually obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

*Buildable area.* The portion of a lot remaining after required yards have been provided.

*Building.* A temporary or permanent structure having a roof supported by columns or walls and which can be used for the shelter, housing, or enclosure of persons, animals, or goods.

*Building height.* Maximum of twelve (12) feet from the finish grade to the bottom of the bandlevel, not to exceed forty-eight (48) feet.

*Building inspector.* The person, officer, and his authorized representatives, whom the town council have designated as their agent for the administration and enforcement of the building code.

*Building site (see development also).* An area of land or property where development is undertaken.

*Built upon area.* Built upon areas shall include that portion of a development project and/or lots that are covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (tennis courts) etc. Wooden slatted decks and the water area of a swimming pool are considered pervious.

*Caliper.* A standard trunk diameter measurement for trees. This measurement is taken six inches above the ground for up to and including four inch caliper size, and twelve inches above the ground for larger sizes.

*Campground.* Any site or tract of land upon which are located the minimum number of travel trailer spaces of land area required by this ordinance, regardless of whether or not a change is made for such services.

*Canopy.* A permanent structure, not enclosed and not retractable, attached or unattached to a building, for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall.

*Canopy tree.* Any large maturing tree which at maturity provides a crown width sufficient to shade a minimum of one thousand two hundred (1,200) square feet. Some trees due to location on Topsail Island may be unable to reach this size due to climate conditions.

*Change of use.* The change in the use of a structure or land, for which a certificate of occupancy is required. Change of use shall include a change from one use to another use in the list(s) of permitted uses, and shall also include a change from one use to another use within any broad category of uses, such as from one use listed in the commercial use category to another uses listed in the commercial use category, as herein defined.

*Church.* (see religious institution).

*Club, or private lodge.* An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated on a nonprofit basis for the benefit of its members and certified as a nonprofit organization by the Secretary of State of North Carolina.

*Clinic, veterinary.* A use or structure intended or used primarily for the testing and treatment of the physical disorders of animals; not principally used for the overnight boarding or grooming of animals; not permitting outdoor cages, pens, or runs for the confinement of animals unless expressly permitted in the district; and not used for the training of animals.

*Coastal shorelines.* Include all lands within seventy-five (75) feet of the normal high water level of estuarine waters. This definition also includes lands within thirty (30) feet of the normal high water level of public trust waters located inland of the dividing line between coastal fishing waters and inland fishing waters. Along outstanding resource waters, this definition includes lands within five hundred seventy-five (575) feet of the normal high water level.

*Coastal wetlands.* Any marsh in the CAMA regulated coastal counties that regularly or occasionally floods by lunar or wind tides, and that includes one or more of ten (10) plant species:

- \* *Spartina alterniflora*: Salt Marsh (Smooth) Cord Grass
- \* *Juncus roemerianus*: Black Needlerush
- \* *Salicornia spp.*: Glasswort
- \* *Distichlis spicata*: Salt (or Spike) Grass
- \* *Limonium spp.*: Sea Lavender
- \* *Scirpus spp.*: Bulrush
- \* *Cladium jaamaicense*: Saw Grass
- \* *Typha spp.*: Cattail
- \* *Spartina patens*: Salt Meadow Grass
- \* *Spartina cynosuroides*: Salt Reed or Giant Cord Grass

*Commercial communication tower.* A tower facility, either roof or ground mounted, that includes, but is not limited to, radio and television transmission towers or similar utilities, microwave towers, and cellular telephone communication towers and similar structures for wireless communication. This term shall not include radio transmission facilities for use by ham radio operators or two way local radio facilities for business or governmental purposes.

*Conditional use.* A use that would not be appropriate generally as a right without restriction throughout a zoning district, but subject to a finding by the town council that if controlled as to number, area, location, or relation to neighborhood, would promote the public health, safety, morals, or the general welfare.

*Condominium.* A unit in which the occupancy rights are individually owned (or for sale to individuals) and in which the unit ownership does not include any land.

*Copy.* Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area.

*Critical root zone.* A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for every inch of tree DBH, with a minimum of eight (8) feet.

*Day care center.* A location providing day care, as a principal use or an accessory use, provided on a less than twenty-four (24) hour basis for any one client, either children or adults, according to the following limiting definitions:

- \* *Child day care center.* An individual, agency, or organization providing supervision or care on a regular basis for children who are not related by blood or marriage to, and who are not the legal wards or foster children or, the supervising adults; usually serving more than ten (10) children at a time; not an accessory to residential use.

- \* *Adult day care center.* An individual, agency, or organization providing supervision or care on a regular basis; usually for more than six (6) adults in a place other than their usual place of abode; not an accessory to residential use.

- \* *Day care home (accessory use).* Day care provided on a less than twenty-four (24) hour basis for either children or adults, according to the following limiting definitions:

- \* *Child day care home.* Supervision or care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling for five (5) to ten (10) children who are not related by blood or marriage to, and who are not the legal wards or foster children of the supervising adult.

- \* *Adult day care home.* Care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for up to six (6) adults who do not reside in the dwelling.

*Developer.* Any person seeking approval under these regulations for any form of development.

*Development.* The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the subdividing of land into two or more parcels.

- \* The following activities or uses, shall be considered development:

- \* The reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water;

- \* A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;

- \* Alteration of the shore or bank of a pond, lake, waterway, or ocean.
- \* Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land;
- \* Clearing of land, including clearing or removal of vegetation and including any significant disturbance of vegetation or soil manipulation; or
- \* Deposit of refuse, solid, or liquid waste, or fill on a parcel of land.
- \* Development includes all other activity customarily associated with it. When appropriate to the context development refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity when part of other operations or activities is not development. Reference to particular operations is not intended to limit the generality of this definition.
- \* For the purposes of these regulations the following operations or uses shall not be considered development; some may, however, require a building permit:
  - \* Work involving the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the color or decoration of the exterior of the structure or interior alterations that do not change the use for which the structure was constructed.
  - \* Work involving the maintenance or replacement of existing landscaped areas and existing rights-of-way;
  - \* A change in use of land or structure from a use within a specified category of use to another use in the same category;
  - \* A change in the ownership or form of ownership of any parcel or structure;
  - \* The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required by law, or;
  - \* The clearing of survey cuts or other paths of less than four (4) feet in width.

*Diameter at breast height (DBH).* The tree trunk diameter measured in inches at a height of four and one-half (4½) feet above the ground. Generally used for measuring existing trees.

*District, zoning.* Any section of the Town of Surf City in which zoning regulations are uniform.

*Drip line.* An imaginary vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

*Driveway.* The vehicular access way between the edge of pavement and the property line.

*Dwelling, manufactured home.* See manufactured home.

*Dwelling, multiple-family.* A residential building designed for or occupied by two (2) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

*Dwelling, single-family.* A detached residential dwelling unit other than a manufactured home, designed for and occupied by one (1) family only.

*Dwelling, two-family (duplex).* An attached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families.

*Dwelling unit.* One (1) or more rooms together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

*Electronic gaming operation.* A business enterprise where persons utilize electronic machines, including but not limited to personal computers and dedicated gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise, or other prizes are redeemed or otherwise distributed. May also be referred to as cyber or internet sweepstakes.

*Estuarine and ocean system AEC.* The estuarine and ocean system is the coast's broad network of brackish sounds, marshes and surrounding shores. Normally found where rivers and streams meet the ocean, an estuary is a unique and important part of coastal life - a transitional area where fresh and salt water mix.

*Estuarine waters.* State's oceans, sounds, tidal rivers and their tributaries, which stretch across coastal North Carolina and link to the other parts of the estuarine system: public trust areas, coastal wetlands and coastal shorelines.

*Existing lot of record.* A lot which is part of a subdivision, a plat of which has been recorded in the office of the register of deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

*Expenditure.* A sum of money paid out in return for some benefit or to fulfill some obligation. Whenever the term is used hereafter, it also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

*Facade.* The visible exterior portion of a building wall which extends from the ground to the top of the wall or roof line.

*Facade module.* A 60-foot or shorter horizontal section of facade containing a minimum of five (5) unique architectural elements.

*Facade, other.* Any facade which is not considered a primary or secondary facade.

*Facade, primary.* The facade containing the highest number of customer entrances.

*Facade, secondary.* A facade which is designed to be viewed from a public street but is not the primary facade.



*Family.* One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

*Farm, bonafide.* Any tract of land containing at least three acres which is used for dairying or for the raising of agricultural products, forest products, livestock or poultry, and which may include facilities for the sale of such products from the premises where produced. The definition of farm and bona fide farm shall not include agricultural industries.

*Flood (coastal).* A temporary rise in ocean level, that results in inundation of areas not ordinarily covered by water.

*Flood, regulation.* The flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur. The regulatory flood generally has a flood frequency of approximately one hundred (100) years as determined by the Federal Flood Insurance Administration, FEMA.

*Foot candle.* A unit of illuminance or illumination, equivalent to the illumination produced by a source of one (1) candle at a distance of one (1) foot and equal to one (1) lumen incident per square foot. Abbreviation: FC

*Fraternity or sorority houses.* A building occupied by and maintained exclusively for college or university students who are affiliated with a social honorary, or professional organization which is chartered by a national fraternal or sororal order and which is so recognized by the college, university or other institution of higher education.

*Full cut-off light.* A light fixture that cuts off all upward transmission of light.

*Gasoline service station.* Any premises where gasoline and other petroleum products are sold and light maintenance activities such as engine tune ups, lubrication, minor repairs, and carburetor, or cleaning may be conducted, having no more than four (4) pumping stations and accommodating eight (8) cars. Service stations shall not include premises where heavy automobiles maintenance activities such as engine overhauls, automobile painting, and body work are conducted.

*Glare.* Discomfort experienced by an observer with a direct line of sight to a light source that often results in visual impairment.

*Group home.* A residential home provided by an agency, organization, or individual for persons who need sheltered living conditions, but not including persons who are dangerous to others as defined in G.S. 122C-3(11)b, as amended. Group homes for up to six (6) persons are permitted in any district which allows residential uses.

*High hazard flood AEC.* Covers lands subject to flooding, high waves and heavy water currents during a major storm. These are the lands identified as coastal flood with velocity hazard, or "V zones," on flood insurance rate maps prepared by the Federal Insurance Administration.

*Home occupation.* An occupation for gain or support conducted entirely within a dwelling and carried on by the occupants. The use must be clearly incidental and secondary to the use of the dwelling for living purposes. The use must not change the character thereof.

*Hotel.* A building containing more than four (4) individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on site management and reception services.

*Ice vending machine.* A freestanding building or modular unit that produces, stores, bags and or vends ice to the consumer in an automated fashion. These uses are considered a separate use and may not be utilized as accessory structures.

*Impervious.* The characteristic of material, which prevents the infiltration or passage of liquid through it. This may apply to roads, streets, parking lots, rooftops and driveways.

*Independent living facility.* Congregate living facilities, such as rest homes and homes for the aged, which are designed for older persons or disabled persons who do not require health and support services, such as medical and nursing care, central dining, and transportation service, located on the site. Each living unit may be self contained and is physically accessible to older or disabled persons. Distinguished from apartment building(s) by the provision of some communal services.

*Inlet hazard AEC.* Covers the lands next to ocean inlets. Inlet shorelines are especially vulnerable to erosion and flooding and can shift suddenly and dramatically. The distance the inlet hazard AEC extends inland is estimated to be large enough to encompass those lands where the inlet can be expected to migrate. At a minimum, this distance is the same distance inland as the ocean erodible AEC. Inlet hazard AEC's range in width from about two hundred fifty (250) feet for a fairly stable inlet to about four thousand (4,000) feet for the most dynamic inlets.

*Interconnected.* Refers to streets which provide through access to other streets; interconnected street systems may be either rectilinear or curvilinear. Also applies to commercial driveways which allows passage from one property to another without accessing the street.

*Junk yard.* Any land or area used, in whole or in part for commercial storage and/or sale of waste paper, rags, scrap metal, or other junk, and including storage of scrapped motor vehicles and dismantling of such vehicles or machinery.

*Kennel, commercial.* A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

*Kennel, private.* A structure used for the outdoor accommodation of small domestic animals and not operated on a commercial basis.

*Land disturbing activity.* Any use of the land by any person that results in a change in the natural cover or topography and that may cause or contribute to sedimentation or soil compaction that affects the critical root zone.

*Landscaping.* The installation and maintenance, usually of a combination of trees, shrubs, plant materials, or other ground cover, including grass, mulch, decorative stone and similar materials, but excluding bare soil, uncultivated vegetation, impervious pavement materials, and gravel. Any live plant material such as trees, shrubs, ground cover, and grass areas left in their natural state.

*Light manufacturing.* The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place; where such processes are housed entirely within a building; or where the area occupied by outdoor storage of goods and materials used in such processes do not exceed twenty-five (25) percent of the floor area of all buildings on the property.

*Live/work.* An attached building type with small commercial enterprises on the ground floor and a residential unit above.

*Lot depth.* The mean horizontal distance between front and rear lot lines.

*Lot frontage.* The front of a lot shall be construed to be the portion nearest the street.

*Lot of record.* A lot described by plat or metes and bounds which has been recorded in the office of the register of deeds.

*Lot types:*

\* *Corner lot.* A lot located at the intersection of two (2) or more streets, or abutting a curved street or streets in such a way that the front building line meets either side lot line at an interior angle of less than one hundred thirty-five (135) degrees.

\* *Interior lot.* A lot other than a corner lot with frontage on only one (1) street.

\* *Through lot.* A lot other than a corner lot with frontage on more than one (1) street.

\* *Lot.* A parcel of land whose boundaries have been established by some legal instrument such as a deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title. If a public road crosses a parcel of land otherwise characterized as a lot by this definition, the land on each side of the public road shall constitute a separate lot.

\* *Reverse frontage lot.* Any lot oriented to an abutting street in such a way that the intersection of the front building line, extended, and the street right of way line form an interior angle of less than forty-five (45) degrees is defined as having reverse frontage relative to said street.

*Manufactured home class A.* A double-wide or multi-sectioned manufactured housing unit that meets the U.S. Housing and Urban Development Department manufactured home construction standards and adhere to the following appearance criteria:

a) The main portion of the building shall have a length not exceeding four times its width. The minimum width shall be sixteen (16) feet.

b) The pitch of the main roof of the building shall have a minimum rise of three (3) feet for each twelve (12) feet of horizontal run. The roof shall be finished with a type of shingle that is

commonly used in residential construction. The eave projection shall be no less than six (6) inches, which may include a gutter.

c) The exterior siding shall consist predominantly of vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint), wood or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in residential construction.

d) All class A manufactured homes shall be placed on brick, concrete block, or other masonry foundation. The foundation shall be continuous and unpierced except for ventilation as required by the state of North Carolina regulations for manufactured/mobile homes.

e) Class A manufactured homes shall have either a deck or a porch with steps. This structure shall be located in the front of the home. The minimum square footage shall measure at least thirty-six (36) square feet. If the homeowner chooses to construct the deck or porch larger than thirty-six (36) square feet, it must meet Volume VII of the North Carolina residential building code and the North Carolina regulations for manufactured/mobile homes.

f) The towing apparatus and tongue shall be removed upon final placement of the unit and the unit must be underskirted or screened with shrubbery. Such shrubbery shall be of a height and density to assure a total visual barrier of the original location of the towing apparatus and maintained to continue its effectiveness. All items removed from the unit such as the towing apparatus and tongue shall be removed from the lot or contained within an enclosed building.

*Manufactured home class B.* A single-wide manufactured housing unit that meets the U.S. Department of Housing and Urban Development manufactured home construction standards and also meets the following appearance criteria:

a) Roof pitch is at least a three (3) foot rise for every twelve (12) feet of horizontal run. The roof shall be finished with a type of shingle that is commonly used in residential construction.

b) The exterior siding shall consist predominantly of vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint), wood or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.

c) Class B manufactured homes must be underpinned. This underpinning may consist of vinyl or masonite materials manufactured for that purpose or the home may be placed on a permanent foundation of masonry materials such as brick, block or stone.

d) A deck or porch of at least thirty-six (36) square feet in size must be located on the front of the home.

e) Towing apparatus and tongue to be removed or screened with landscaping.

*Manufactured home class C.* Double-wide manufactured housing unit existing in the Town of Surf City prior to June 1, 2004, that meets the U.S. Department of Housing and Urban Development manufactured home construction standards, but does not meet the town's appearance criteria. Such manufactured homes may only be relocated to manufactured home parks or on lots of record in the RA and R-5M districts in existence prior to June 1, 2004. At that

time, the home must be underpinned with either masonry materials or other products manufactured expressly for the purpose of underpinning and installed in accordance with the manufacturer's specifications.

*Manufactured home class D.* Single-wide manufactured housing unit existing in the Town of Surf City prior to June 1, 2004, that meets the U.S. Department of Housing and Urban Development manufactured home construction standards, but does not meet the town's appearance criteria. Such manufactured homes may only be relocated to manufactured home parks or lots of record in the RA and R5M district in existence prior to June 1, 2004. At that time, the home must be underpinned with either masonry materials or other products manufactured expressly for the purpose of underpinning and installed in accordance with the manufacturer's specification.

*Manufactured home class E.* Any manufactured housing unit that does not meet the Town of Surf City appearance criteria or the U.S. Department of Housing and Urban Development manufactured home construction standards. Class E manufactured will not be permitted in the town after June 1, 2004. Homes existing in the town's jurisdiction prior to June 1, 2004 will be allowed to remain at their current location as nonconformity's, but may not be relocated anywhere in the town's jurisdiction.

*Manufactured home park.* Any site or parcel of land under single ownership where land is rented and utilities are provided for the installation or placement of manufactured homes.

*Marina, commercial.* A facility for the wet or dry storage, launching and mooring of boats, together with all accessory structures and uses.

*Massage therapy.* Health massage or bodywork therapy, performed by a practitioner with credentials in one of the following ways:

- \* Having a diploma or certificate from an institute or school of health massage, which has been accredited by either the American Massage Therapists Association, the National Therapists Association, or from an accredited college or university, school of education for massage therapy; or

- \* Providing verification and documentation of at least five hundred (500) hours of experience in the practice of health massage/bodywork therapy and three letters of reference from state licensed health care professionals or licensed therapists on their professional letterhead.

*Mean sea level.* The National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on the Flood Insurance Maps for Pender and Onslow County are referenced.

*Minor material.* An architectural material that is described as being lesser, as in size, extent, or importance. A minor material may not exceed fifteen (15) percent of a facade module.

*Modular home.* A dwelling unit which is constructed in compliance with the state building code and composed of components substantially assembled in an off site manufacturing plant and transported to the building site for final assembly on a permanent foundation.

*Mooring or float.* An object or structure secured in the water, such as by cables, lines, chains, or anchors, and intended or used for securing one or more boats in the water.

*Motel.* See hotel.

*Motelminium.* A condominium project, with individual unit ownership, developed for short-term or transient occupancy that has rental or registration desks, on-site management services, daily cleaning services, telephone services and other convenience services to residents and guests typical of a commercially operated facility. A motelminium is operated as a commercial hotel even though the units are individually owned.

*Nightclub.* Any commercial establishment serving alcoholic beverages and/or providing entertainment for patrons, including but not limited to bars, lounges, taverns, cabarets, and similar establishments.

*Nonconformity.*

\* *Nonconforming situation.* A situation that occurs when, on the effective date of this ordinance or any amendment to it, an existing lot or structure or use of existing lot or structure does not conform to one (1) or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures do not satisfy maximum height or minimum floor space limitations because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with the ordinance, or because land or buildings are used for purposes made unlawful by the ordinance.

\* *Nonconforming use.* A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use.)

\* *Dimensional nonconformity.* A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

\* *Nonconforming lot.* A lot existing and properly recorded as a matter of public record in the Pender or Onslow County register of deeds office, as of the effective date of this ordinance or any amendment to it, that does not meet the minimum area or lot width requirements of the zoning district in which it is located.

\* *Nonconforming project.* Any structure, development, or undertaking that is incomplete at the effective date of this ordinance and would be inconsistent with any regulation to the district in which it is located if completed as proposed or planned.

*Non-cut-off light.* A light fixture which does not cut-off all upward transmission of light.

*Nursing home, rest home, convalescent home or home for the aged.* A facility or housing development in which an agency, organization, or individual provides care for three (3) or more sick, handicapped, and/or aged persons, not related by blood or marriage to the operator. Such congregate care facilities are classified as "dependent living facilities" or "independent living facilities" depending upon the degree of support services on site.

*Ocean erodible AEC.* Covers North Carolina's beaches and any other oceanfront lands that are subject to long-term erosion and significant shoreline changes. The seaward boundary of this AEC is the mean low water line. The landward limit of the AEC is measured from the first line of stable natural vegetation and is determined by adding:

\* A distance equal to sixty (60) times the long-term, average annual erosion rate from that stretch of shoreline to the distance of erosion expected during a major storm.

The width of the AEC varies from about one hundred forty-five (145) feet to more than seven hundred (700) feet.

*Off street parking.* Parking of vehicles which occurs on a lot and not on a street or other public right of way.

*Office.* A use or structure in which business or professional services are conducted or rendered.

*Open space.* Any area which is not divided into private or civic building lots, streets, rights of way, parking, or easements. In the low impact subdivision, open space may also include portions of private building lots subject to a permanent open space easement. Urban open space assumes one or more of the forms detailed in subdivision ordinance, and may contain recreation equipment and amenities as indicated. Rural open space is site specific in its designation.

*Open space, common area.* Common area open spaces are designed to serve the residents of the immediate block or neighborhood. Ownership and maintenance of such common areas shall be in fee simple title to a homeowners association or similar organization.

*Open space, public.* Public open spaces shall be dedicated to a local government or non-profit conservancy organization for ownership and maintenance. Public open spaces shall maintain free and public access. Hours of access may be restricted in accordance with health and safety guidelines.

*Ordinance.* This ordinance, including any amendments. Whenever the effective date of the ordinance is referred to, the reference includes the effective date of any amendment to it.

*Out parcel.* A parcel of land associated with and located within a shopping center, mall or big box development, which is designated on an approved site plan as a location for a structure with an intended use.

*Outdoor lighting.* Any light source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public or private streets.

*Outdoor recreation.* Swimming pools, tennis courts, ball fields, and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the

use of persons who do not reside on the same lot as that on which the recreational use is located. Outdoor recreation shall include any accessory uses, such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the principal recreational use.

*Owner.* Any full or part owner, joint owner tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal title to the whole or to part of a structure or parcel of land.

*Parking area.* For a residential use, a parking area is the area just past the driveway. Traditionally located in the front of the home or under the home.

*Parking space, off-street.* For the purposes of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors in both sides, together with properly related access to a public street or alley and maneuvering room.

*Person.* An individual, corporation, governmental agency, business trust, estate trust, partnership, association, two (2) or more persons having a joint or common interest, or any other legal entity.

*Pervious.* Having pores or openings that permit liquids to pass through. Marl, ABC stone, crush and run and other similar surfaces are not considered pervious.

*Pier.* A structure extending into or along the water for use as a landing place for boats or as a promenade.

*Planning board.* The Town of Surf City planning board, established by ordinance in accordance with N.C.G.S. 160A-361 and 160A-362.

*Planned unit development.* Land under unified control which is planned and developed as a whole in a single development operation or a programmed series of operations, including all land and buildings for principal and accessory structures and uses substantially related to the character of the district. The planned unit development shall be developed according to comprehensive and detailed sites and the like, but also site plans, floor plans, and elevations of all buildings as intended to be located, constructed, used and related to each other and detailed plans for other uses and improvements on land as related to the building. The planned unit development shall also make provisions for the operation and maintenance of such areas, improvements, facilities, and service as will be for common use by some or all of the occupants of the planned unit development, but will not be provided, operated or maintained at the expense of the general public.

*Planting strip.* The area of land along the front property line parallel to the outside of the right-of-way reserved for tree planting and landscaping.

*Principal building or structure.* A building or structure containing the principal use of the lot.

*Principal use.* The primary purpose or function that a lot serves or is proposed to serve.

*Project area.* Any area of land and/or water, regardless of the number of individual parcels contained therein, on which development is proposed under these regulations.



*Public oriented recreational facilities.* For either passive or active recreational uses used by groups such as youth, families, civic groups, etc. Examples of public oriented recreational facilities may include Boys and Girls clubs, YMCA's and Boy/Girl Scouts.

*Public trust areas.* Coastal waters and submerged lands that every person has the right to use for activities such as boating, swimming or fishing. These areas often overlap with estuarine waters, but also include many inland fishing waters. The following lands and waters are considered public trusts areas:

- \* All waters of the Atlantic Ocean and the lands underneath, from the normal high water mark on shore to the state's official boundary three miles offshore;

- \* All navigable natural water bodies and the lands underneath, to the normal high watermark on shore (a body of water is considered navigable if you can float a canoe in it). This does not include privately owned lakes where the public doesn't have access rights;

- \* All water in artificially created water bodies that have significant public fishing resources and are accessible to the public from other waters; and

- \* All waters in artificially created water bodies where the public has acquired rights by prescription, custom, usage, dedication or any other means.

*Redevelopment.* The demolition and reconstruction of a building or structure or a portion of a building or structure.

*Religious institution.* A church, synagogue, temple, mosque, or other place of religious worship, including any customary accessory uses or structure, such as a school, day care center, cemetery or residential dwelling located on the same lot.

*Residential use.* Any detached, duplex, triplex, quadriplex, attached or multifamily dwelling, manufactured home, mobile home, group home for up to six clients, limited residence boarding house or dormitory.

*Restaurant.* A building or operation, the purpose of which is to accommodate the consumption of food and beverages.

*Retail establishments.* A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer.

*School.* Institutions that provide a place of academic learning. Publicly owned or privately owned preschools, elementary schools, middle schools, junior high schools, vocational schools, and high schools; but not including institutions the primary function of which is day care. Schools include customary accessory uses such as recreational facilities, cafeterias, and auditoriums.

*Screening.* A fence, wall, hedge, landscaping, buffer area or any combination of these provided to create a visual separation between certain land uses. A screen may be located on the property line or elsewhere on the site, as determined by the use to be screened.

*Services.* Occupation contributing to the welfare of others which is useful labor that does not produce a tangible commodity.

*Setback line.* The line on the front, rear, and sides of a lot, which delineates the area upon which a structure may be built and maintained.

*Shelter, fallout.* A structure or portion of a structure that provides protection to human life during periods of danger from nuclear fallout, air raids, storms, or other emergencies.

*Shopping center.* Mercantile establishment consisting of a carefully landscaped complex of shops representing leading merchandisers; usually includes restaurants and a convenient parking area; a modern version of the traditional marketplace. May also referred to as a mall or plaza.

*Sign.* For the purpose of the sign regulations, the following definitions are provided:

- \* *Building roof line:* That point at which a structure's walls and its roof are attached.
- \* *Building roof peak:* The highest or uppermost point of a structure's roof. A structure's roof shall be the building's primary structure for providing weather protection on the top of the building and shall not include any secondary or cosmetic structures or additions which are not integral to the purpose of the primary roof structure.
- \* *Business establishment:* Any establishment doing business under a common ownership and/or individual control.
- \* *Commercial structure:* Any structure or freestanding commercial building which may contain any number of business establishments having a common roof or a facade.
- \* *Estuarine shoreline:* Any water shoreline which is especially vulnerable to erosion, flooding or other adverse effects of wind and water.
- \* *Licensee:* The person holding a license or written permission for some specific purpose.
- \* *Decoration:* A three dimensional object that does not depict anything sold by the business, that is attached to any side of a building and not on a roof.
- \* *Signs:* Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, decoration, designs, trade names, registered trade marks, banners, insignia or other representation used as a means to designate or attract attention to an individual, a firm, an association, a corporation, a profession, a business, a commodity or product which are exposed to the public view, and used to attract attention. A sign may also consist of sources of illumination, unmarked pennants, streamers, or any other device that are displayed to draw attention to a charitable, residential, institutional, commercial or industrial establishment or activity. Excluding merchant wares, streamers used for holiday and festival celebrations are excluded.
- \* *A-frame:* A temporary sign consisting of two sign faces attached back to back by top hinges.
- \* *Attached sign:* Any sign painted or affixed to the face of the outside wall or roof of any building and supported throughout by such wall or roof.

- \* *Banner sign*: Any sign having the characters, letters, or illustrations, or ornamentation applied to cloth, paper, plastic, or fabric, including pennants and wind operated devices.
- \* *Bare bulb lighted sign*: A sign illuminated through the use of exposed light bulbs which are incorporated as an integral part of said sign.
- \* *Construction sign*: Any sign identifying on-site construction and any future development to occur on the property on which the sign is located.
- \* *Directional sign*: Any sign for public direction or information containing no advertising or commercial identification of any product or service.
- \* *Double-faced sign*: A sign with two (2) parallel or nearly parallel faces back to back and located not more than twenty-four (24) inches from each other are considered as one (1) sign.
- \* *Entrance sign*: Any sign identifying a subdivision or other large development and located at the major entrance point or points to such development.
- \* *Flashing sign*: Any sign which contains or uses for illumination any lights or lighting device or devices which change color, flash, or alternate, shows movement or motion, or changes the appearance of said sign or any part thereof automatically.
- \* *Freestanding sign*: Any single, double faced, or cube sign advertising on-site sale of products or services. Such signs are not attached to or painted on a building but are permanently affixed to the ground.
- \* *Indirectly illuminated sign*: A sign illuminated by an external light source.
- \* *Internally illuminated sign*: A sign where the light source is concealed within the sign visible through a translucent surface.
- \* *Itinerant merchant sign*: A sign purchased by a merchant, other than a merchant with an established retail store in the town, who transports an inventory of goods to a building, vacant lot, or other location in the town, and who, at that location, displays the goods for sale at retail for less than six (6) consecutive months.
- \* *Marquee sign*: A projecting sign attached to or hung from a canopy or covered structure projecting from and supported by a building.
- \* *Neon lighted sign*: A sign illuminated by a glass tube usually with bright colors bent into forms to produce letters, symbols, and other shapes.
- \* *Off-site sign*: Any sign advertising a product or service, which product or service is not available for sale or performance at the place where the sign is located.
- \* *Portable sign*: Any sign which is not securely and permanently attached to the ground or building.
- \* *Projecting sign*: An outdoor advertising display sign affixed to any building wall or structure and extending beyond the building wall, structure, building line, or property line more than six (6) inches.

- \* *Real estate sign*: Any sign advertising real estate for sale or rent.
- \* *Roof sign*: Any outdoor advertising display sign erected, constructed, or maintained above the roof of any building.
- \* *Sandwich board or "A" frame sign*: A small eight (8) sq. ft. movable A frame sign which is removed at the end of the day.
- \* *Shingle sign*: Any sign erected perpendicular to the front wall of a building attached to the wall or the underside of any overhang connected to and supported by the wall.
- \* *Temporary sign*: Any non-permanent sign, banner, placard, decorations or the like, constructed of light materials for the promotion of commercial enterprises, political signs, or events.
- \* *Time and temperature indicator*: Those electronic signs which periodically indicate time and/or temperature changes only.
- \* *Wall sign*: Any sign that shall be affixed flat to the wall or extend no more than six (6) inches from the wall of any building.

*Sign, principal*. A sign which directs attention to a business, commodity, services, entertainment or other activity, conducted, sold or offered exclusively on the premises upon which said sign is located.

*Sign, outdoor advertising*. Any sign either freestanding or attached to a structure which directs attention to a business, commodity, services, entertainment or other activity conducted, sold or offered elsewhere than on the premises on which said sign is located.

*Signs, surface area of*. The surface area of a sign shall be computed as including the entire area within a regular geometric form of combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

*Sign, temporary*. A sign permitted for a period not exceeding twelve (12) months including for sale, for rent, construction company's name, subcontractor's names, architect's and planner's names.

*Spa/hot tub*. See swimming pool.

*Storage, outdoor*. All goods and materials not returned to an fully enclosed building at the end of each business day, regardless of whether such goods or materials are kept on the premises for retail sale, wholesale sale, storage, or use by a business on or off the lot. (To be classified as goods for sale and therefore exempt from regulation as outdoor storage, items must be placed with a fully enclosed building at the end of each business day). Up to two storage trailers placed on a single lot or in conjunction with a single principal use. All items awaiting or in process of repair except customary passenger vehicles awaiting repair which are not visibly damaged or are not used or intended to be used as "parts" vehicles (rather than being consider outdoor storage, such vehicles may await repair in any conforming off street parking lot associated with the

principal use). Vehicles with more than two (2) axles, boats, manufactured homes, and trailers of tractor trailers awaiting or in the process of repair. Does not include construction equipment, where permitted, outdoor storage of construction equipment is regulated.

*Stores.* Business establishments where usual diversified goods are kept for retail sale.

*Street line.* The right-of-way boundary of a street.

*Street, private.* An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to parking and service areas; it is not maintained nor intended to be maintained by the public.

*Street, public.* A right of way or fee simple tract of land which has been set aside for public travel, dedicated to the public by the recording of a subdivision plat, built to public street standards, and accepted for maintenance by either the Town of Surf City or the State of North Carolina.

*Street right-of-way.* Street right of way shall mean any public right of way set aside for public travel which is accepted or eligible to be accepted for maintenance by the State of North Carolina or the Town of Surf City if so authorized; or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the town; or has otherwise been established as a public street prior to the adoption of this ordinance.

*Structure.* Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. The connection of two (2) buildings by means of an open porch, breezeway, carport, or any other structure with or without a roof shall not be deemed to make them one building.

*Subdivider.* Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as defined in the Subdivision Ordinance of the Town of Surf City.

*Substantial improvement.* Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds fifty (50) percent of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to the repair or reconstruction. Substantial improvement shall not include, however, any repair or improvement required to bring the structure into compliance with existing state or town health, sanitary, safety, or building code specifications necessary to ensure safe habitation of the structure.

*Swimming pool.* A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above ground pool having a depth of more than thirty (30) inches designed, used, and maintained for swimming and bathing. This includes in-ground, above ground and on ground swimming pools, hot tubs and spas.

*Temporary structure.* A building placed on a lot for a specific purpose which is to be removed within a specified time period. Examples of temporary structures are monitoring station, mobile class room, construction trailer, and produce stand.

*Town attorney.* The attorney for the Town of Surf City, duly retained by the town council of the Town of Surf City.

*Townhouse.* A single-family dwelling located on a lot, forming one (1) of a group or series of two (2) or more attached single-family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through walls from basement to roof and having roofs which may extend from one (1) such dwelling unit to another.

*Town council.* The elected governing body of the Town of Surf City.

*Town manager.* The top administrative person responsible for the day to day operations of the Town of Surf City.

*Town planner.* The appointed person responsible for the administration and enforcement of this ordinance. Town planner may also be his designee.

*Tract.* A tract is a piece of land whose boundaries have been described or delineated by a legal instrument or map recorded in the office of the register of deeds.

*Travel trailer.* A wheeled vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel and/or recreational purposes, having a body width not exceeding eight (8) feet. This is also intended to include structures mounted on auto or truck bodies that are referred to as campers.

*Travel trailer lot.* A plot of land within a travel trailer park designed for the accommodation of one (1) travel trailer.

*TV dish antenna.* Earth satellite receiving stations, hereafter called dish, TV dish, or dish antennas, are dish-shaped structures and located as to receive electromagnetic signals from space satellites.

*University, college, and junior college.* A use, whether privately owned or publicly owned, providing academic education beyond the high school level.

*Variance.* A variance is a dispensation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformity in the zoning district or uses in an adjoining zoning district.

*Vested rights.* The right of an owner of property to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or phased development plan.

\* *Approval authority:* In the case of applications for establishment of vested rights with respect to proposed subdivisions pursuant to the subdivision ordinance, the approval authority

shall be the town council. In the case of all other applications for establishment of vested rights, the approval authority shall be the town council.

\* *Owner*: Any owner of a legal or equitable interest in real property, including heirs, devisees, successors and assigns, having a vested estate, and the agent or personal representative of such owner. For purposes of this article, owner shall include a person holding a valid and recorded option to purchase the real property with respect to which he seeks to establish a vested right.

\* *Site specific development plan*: A plan that has been submitted to the town by an owner, describing with reasonable specificity the type and intensity of use for a specific parcel or parcels of property. At a minimum, such plan must include the approximate boundaries of the site; significant topographic and other natural features affecting development of the site; approximate location on the site of proposed buildings, structures and other improvements; approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. Included within this definition are plans submitted pursuant to the following specific provisions, and meeting the requirements specified therein: 1) site plan review, 2) preliminary subdivision plan, 3) conditional use permit, 4) Any areas of environmental concern (AEC'S) as designated by the N.C. CAMA which are present or adjacent to the site. Notwithstanding the foregoing, no document that fails to describe the type and intensity of use for a specified parcel or parcels with sufficient particularity to allow a determination to be made as to whether the proposed case meets current zoning standards shall constitute a site specific development plan.

*Vocational school*. A use, whether privately owned or publicly owned, that trains persons in specific trades or occupations such as boat building, mechanics, computers, or similar skills.

*Water dependent structures*. Those structures for which the use requires access or proximity to or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads, and similar structures. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

*Yard*. A required open space unoccupied and unobstructed by a structure or portion of a structure, provided however that fences, walls, poles, posts, other customary yard accessories, yard ornaments, and yard furniture, and normal roof overhangs (not exceeding two (2) feet) may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility or movement.

*Yard, front*. An area extending between side lot lines across the front of a lot adjoining a street. Depth of required front yards shall be measured at right angles to a straight line joining the foremost point of the side lot lines at which the lot meets the normal minimum lot width required by the ordinance. In the case of lots with rounded property corners at street intersections, the foremost point of the lot lines shall be assumed to be the point at which the side and front lines would have met without such rounding.

*Yard, rear*. An area extending across the full width of the lot and lying between the rear lot line and a line parallel thereto at a distance therefrom as required in the applicable district.

*Yard, side.* An area extending along the length of the lot between the required front yard and the required rear yard, and between the side lot line and a line parallel thereto and a distance therefrom as required in the various districts.

*Yard, corner side.* An area extending the length of the lot between the required front yard and required rear yard, and between the side street lot line and a line thereto and a distance therefrom as required in the various districts.

*Zoning permit.* A written warrant as described in section 11 issued by the town planner authorizing the particular use of activity. A building permit is a written warrant issued by the building inspector authorizing construction, renovation or demolition.

### **6.3 Signs permitted in all districts.**

1) The following signs shall be permitted in all districts:

a) Directional and information signs: Directional and informational signs erected and maintained by public agencies and governmental bodies.

b) American or North Carolina flags of reasonable size may be displayed for patriotic reasons, provided proper flag etiquette is observed.

c) Flags and insignia of any sovereign government.

d) Residential identification signs not exceeding twenty-four (24) square feet in area and bearing only property owner's name, name of hometown, cottage name, etc. This sign computation shall compose of text combined with any accompanying and contiguous artwork.

e) Professional and/or home occupation signs in residential areas: One (1) sign per lot not to exceed six (6) square feet located at least seven and one-half (7 ½) feet from the property lines, except side abutting street so that it rests on and is contained entirely on private property. Where side yards are required, no sign shall be permitted in the required side yard.

f) Integral decorative or architectural features of buildings.

g) Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

h) Bulletin boards: Churches, schools, community centers other public institutions, and businesses may erect one (1) sign or bulletin board not exceeding thirty-two (32) square feet in area for the purpose of displaying the name of the institution and related information. The signs may be used as wall signs or shall be located a minimum of seven and one-half (7½) feet from property lines. Where side yards are required, no sign shall be permitted in the required side yards. The signs may be illuminated in accordance with the lighting ordinance. If location is in a commercial area, C-1 or MU zoning applies.

i) Construction signs: During the construction, repair, or alteration of a structure, a temporary construction sign, or signs, which denote the architect, engineer, contractor, subcontractor or builder, or which denotes the name of the structure and its use or occupants to be may be placed within the lot side of the required yard setback as a ground or wall sign. The



dimensions of the sign shall not exceed thirty-two (32) square feet in area. When multiple signs are used they shall be limited to six (6) square feet each and they shall be grouped. All construction site signs shall be removed when the building has been approved for occupancy by the building inspector. Larger signs exceeding thirty-two (32) square feet issued by the board of adjustment.

j) Nonconforming, signs, unless destroyed or deteriorated to a degree that fifty (50) percent of the display area of the sign has been rendered illegible or condemned under articles 14 or 15 of the Town Code.

k) All non-permitted signs on the effective date of this ordinance shall comply with this ordinance by November 1, 1994.

### **6.7 Types of commercial signs permitted.**

Business signs and name signs of the following types and sizes shall be permitted in C1, MU, C3, NB and O&I under the limitations described in this section.

#### *1) Permanent freestanding signs.*

##### *a) Minimum lot frontage:*

1. The minimum front footage for a permanent freestanding sign is fifty (50) feet.

##### *b) Separations:*

1. Fifty (50) to ninety-nine (99) linear front footage-May have one (1) freestanding sign.
2. One hundred (100) to one hundred twenty-four (124) linear front footage-May have an additional freestanding sign provided each sign is separated by at least fifty (50) feet.
3. One hundred twenty-five (125) to two hundred (200) linear front footage-May have an additional freestanding sign provided each sign is separated by at least fifty (50) feet.
4. Lots exceeding two hundred (200) linear front footage may have additional freestanding signs based on one (1) sign per fifty (50) feet additional increment of frontage.

c) Freestanding multi-tenant signs not exceeding six (6) feet in height may have a maximum size of ninety-six (96) square feet.

d) If no temporary signage is present for special events, business may have one (1) flag or banner in addition to one (1) other temporary freestanding sign, preferably an A-frame sign, provided that:

1) Signs and flags shall be erected only during business hours.

2) A-frame or other temporary freestanding signs shall not exceed eight (8) square feet in area per side and five (5) feet in height.

3) Commercial flags and banners shall not exceed twenty-four (24) square feet in area and fifteen (15) feet in height.

4) Signs and flags shall be placed on the same property as the business, providing it conforms to existing sight line requirements, and not within the public right of way.

5) The sign is not inflatable.

2) *Wall sign.*

a) Wall signs, attached to walls or solid masonry, concrete, wood, or stone shall be safely and securely attached by means of corrosive-resistant fasteners of sufficient size and quality to support the sign being secured. The face of all wall signs must be made of paint, metal, wood, or plastic materials. Metal, if used, must be corrosive-resistant. The maximum square footage allowed is equal to that of a freestanding sign and is computed according to section 6.6

3) *Marquee signs.*

a) Marquee signs shall be constructed of corrosive-resistant metal or non-combustible materials if illuminated and may be attached to or hung from a canopy or covered structure. Such sign, when hung from a canopy or covered structure, shall be at least eight (8) feet, at its lowest level, above the sidewalk ground level. Further, no such sign shall extend the entire length and width of the canopy or covered structure, provided the sign does not have vertical dimensions greater than two (2) feet on a canopy or covered structure up to forty (40) feet in length, nor a vertical dimension greater than three (3) feet on a canopy or covered structure over forty (40) feet in length, provided the allowed square footage is not exceeded, per section 6.6

4) *Projecting signs.*

a) All projecting signs, whether they project from any building, wall, canopy or similar structure shall be positioned so that the farthest extended part of a sign shall be no closer than three (3) feet from the existing property line measured from the building side of the property line. This does not apply to street frontage. All projecting signs shall be constructed of corrosive-resistant metal, wood, or plastic materials securely attached to a building, canopy or similar structure by corrosive-resistant supports. The maximum square footage allowed is equal to one-half (½) that of a freestanding sign as computed according to section 6.6. The square footage of a projecting sign shall not, in any case, exceed fifty (50) square feet.

5) *Display lighting.*

a) Display lighting shall be shielded so as to prevent a direct view of the light source from a residence in a residential district. No sign shall cause a hazardous glare to traffic. No intermittent lighting effects may be utilized.

6) *Temporary signs.*

a) Real estate signs advertising a specific property for sale, lease, rent or development shall be located as follows:

1) One sign per street frontage advertising real estate not greater than ten (10) square feet in a residential district (R5, R10, R15, MHS, MFC, SF, RA) and thirty-two (32) square feet in a nonresidential districts (C-1, MU, C3, OI, NB, PUD, R5M) may be located on the property being advertised so long as said sign is located behind the street right-of-way line. If the property being

advertised lies on a corner lot or double frontage lot, then a second sign may be oriented along the second street so long as the two signs are at least seventy-five (75) feet apart as measured by the shortest straight line.

2) No such banner/sign shall be attached to a roof structure or above a second floor level.

3) In addition to the signs in section 1), a single sign shall be allowed to face the oceanfront not to exceed six (6) square feet and/or sound front not to exceed ten (10) square feet provided that the sign is affixed to a permanent structure (i.e. house, pier, crossover, etc). Vacant lots shall be exempt from this requirement.

4) All signs shall be removed within two (2) weeks of a sale, rental or lease of a property. Short term rentals (90 days or less) are exempt from this rule.

b) Banners and flags for special events, advertisements, grand openings and the like, used in conjunction with a commercial building, project or enterprise are permitted for a period not to exceed thirty (30) days provided that:

1) All banners/flags shall be attached to the principal structure of the business being advertised except that two (2) freestanding flags shall be allowed per lot or shopping center.

2) No such banner shall be attached to a roof structure or above a second floor level.

3) No such banner shall be attached to any existing signs, placed within a right of way, attached to any fences or strung between posts.

4) Fourteen (14) days must pass between banners/flags being removed and banners/flags being installed.

5) No single banner/flag shall exceed thirty-two (32) square feet in size.

c) Temporary special event signs and banners for religious, charitable, civic, fraternal or similar non-profit or not-for-profit organizations provided that:

1) Signs shall be erected no sooner than twenty-one (21) days prior and removed no later than two (2) days after the event.

2) No such sign shall exceed thirty-two (32) square feet

3) No such sign shall be illuminated.

4) All such signs shall be located off the street right-of-way.

7) *Permitted combinations of signs.*

a) An establishment may erect the allowed number of freestanding signs plus an equal number of one (1) of the following: marquees, wall, projecting.

b) In place of the allowed number of freestanding signs, an establishment may elect to erect a like number of signs in the following combination:

1. Marquee plus projecting, or
2. Wall plus projecting.

*Note:* All of the above signs are subject to the size limitations described in their respective sections.

8) *Lots with less than fifty (50) linear feet frontage.*

- a) One (1) marquee (for dimensions refer to section 6.7, plus one (1) projecting, or
- b) One (1) wall, plus one (1) projecting.

The maximum square footage of each marquee or wall sign shall be determined by multiplying one point five (1.5) by the linear front footage of the lot in question. The maximum allowed for a projecting sign in any case is fifty (50) square feet.

SECTION II. WAIVER CLAUSE. The requirement of three separate readings of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of Town Council.

SECTION III. CODIFICATION. The provisions of Section I of this Ordinance shall be published as appropriate in the Surf City Code of Ordinances as soon as practicable.

SECTION IV. SEVERABILITY CLAUSE. If any section, part of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Town Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION V. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the Town Council of Surf City, North Carolina, at which a quorum was present, and which was held on the 6th day of August 2019

Adopted the 6th day of August 2019.

TOWN OF SURF CITY

Douglas C. Medlin, Mayor

ATTEST:

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Stephanie Edwards Hobbs, Town Clerk

APPROVED AS TO FORM:

Crossley, McIntosh, Collier, Hanley & Edes, PLLC

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Brian Edes, Town Attorney



**Town of Surf City**

**ORDINANCE NO. 2019-07**

**AN ORDINANCE AMENDING SECTION 3-6 KEEPING CERTAIN ANIMALS PROHIBITED; CHAPTER 5 ARTICLE III BUILDING AND BUILDING REGULATIONS; CHAPTER 16 STREETS AND SIDEWALKS**

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SURF CITY, NORTH CAROLINA, THAT:

SECTION I. The Code of Ordinances, Section 3-6 Keeping Certain Animals Prohibited; Chapter 5 Article III Building and Building Regulations Sec. 5-41, 5-43, 5-44; Chapter 16 Streets and Sidewalks Sec. 16-23, 16-81, 16-82, 16-83 is hereby amended to read as follows:

Sec. 3-6. Keeping of certain animals prohibited.

No person may keep within the town any wild animal or livestock. For the purposes of this section, livestock shall include horses, mules, cows, pigs, hogs, goats, sheep and all other animals that typically are kept primarily for productive or useful purposes rather than as pets. Wild animals shall include an animal that typically is found in a nondomesticated state and that, because of its size or vicious propensity or because of its poisonous or venomous nature or for any other substantial reason poses a potential danger to persons, other animals or property, or is classified as a wild animal by the North Carolina Wildlife Resources Commission so that any person wishing to possess the same is required by state law to obtain a permit from the North Carolina Wildlife Resources Commission.

Sec. 5-3. Contractors.- Omit

Sec. 5-11. Ground Level Enclosures. - Omit

Sec. 5-41. Required.

(a) *Building*. No person shall commence or proceed with the construction, reconstruction, alteration, repair, removal or demolition of any building or other structure, or any part thereof, without a written permit therefor from the building inspector; provided, that no building permit shall be required for work the total cost of which does not exceed fifteen thousand dollars (\$15,000.00) and which does not involve any change of the structural parts or the stairways, elevators, fire escapes or other means of egress of the building or the structure in question. Local board of health approval of property for septic tank is required where the sewage system cannot be connected to the town sewer. In all cases of removal or demolition of a building or structure a good and sufficient bond shall be posted by the property owner or by his contractor at the time of application for a permit, to ensure complete removal or demolition, including all rubble and debris. Failure on the part of the property owner or his contractor to completely demolish, remove

and clear the premises, after thirty (30) days' notice by the code enforcement officer shall be cause for forfeiture of such bond.

Sec. 5-43. Plans and specifications.

Detailed plans and specifications may be required for a permit when deemed necessary by the building inspector for any building or structure where plans and specifications are deemed necessary by the inspector in order for him to determine whether the proposed work complies with the appropriate regulatory codes. Plans shall be drawn to scale with sufficient clarity to indicate the nature and extent of the work proposed, and the plans and specifications together shall contain information sufficient to indicate that the work proposed will conform to the provisions of this chapter and the appropriate regulatory codes. Where plans and specifications are required, a copy of the same shall be kept at the work until all authorized operations have been completed and approved by the appropriate inspector.

Sec. 5-44. Issuance.

(b) *Limitations.* No building permit shall be issued for any building or structure the estimated total cost of which is more than thirty thousand dollars (\$30,000.00) unless the work is to be performed by a licensed general contractor. No building permit shall be issued for any building or structure, other than a one- or two-family dwelling, the estimated total cost of which is more than thirty thousand dollars (\$30,000.00) unless the plans bear the state seal of a registered architect or a registered engineer. Where any provision of the General Statutes or any provision of this Code or other town ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for such work shall be issued unless it is to be performed by such licensed specialty contractor. Where detailed plans and specifications are required under this chapter, no building permit shall be issued unless such plans and specifications have been provided.

Sec. 16-23. Duty of Community Development Department with regard to street names.

(a) It shall be the duty of the Community Development Department to maintain by maps or listings the official names of the streets within the town, as they may exist or may be extended or renamed by the Community Development Department.

(b) It shall be the duty of the Community Development Department, from time to time, to review the official street names of the town and recommend any changes in names which they feel to be justified in order to permit clarity of street designation.

(c) Based on the official record of street names, the Community Development Department shall review street names submitted for new subdivisions to ensure that new street names are not duplicates of names already used.

(d) From the official record, the Community Development Department from time to time, shall issue listings of official street names for use by the various departments of the town and other interested persons and agencies.

Sec. 16-24. Permit to construct driveway required.

No person shall construct or reconstruct any driveway within the town without first obtaining from the Community Development Department a permit to do so.

Sec. 16-81. Numbering map.

The property numbering map entitled "Property Numbering Map, dated February, 1978, Town of Surf City, N.C." and adopted April 4, 1978, as the official property numbering map of the town is hereby amended, and all property numbers assigned shall be assigned in accordance with the amended numbering map and no other property numbers shall be used or displayed in the town except numbers assigned in accordance with the amended official numbering map. The property numbering map shall be kept on file in the office of the town clerk. Numbers are to be assigned by the Community Development Department.

Sec. 16-82. Numbering system.

(c) It shall be the duty of the Community Development Department to assign property numbering.

Sec. 16-83. Owners to purchase numbers.

Every property owner of improved property shall on or before the third day of October, 1990, purchase and display in a conspicuous place on the property the number assigned which shall be of a type approved by the town council and at least six (6) inches in height.

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TOWN OF SURF CITY

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Douglas C. Medlin, Mayor

ATTEST:

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Stephanie Edwards Hobbs, Town Clerk

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Brian Edes